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The Nation.

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EDITORIAL

MR. BEGIN'S NEW FRIENDS

Amid all the reporting of Lebanese turbulence and Palestinian vacillation, the press found little space for a small but significant story from Jerusalem. On July 25, the ranks of Menachem Begin's Likud Party government were augmented by the three members of the Tehiya Party. This brings Begin's Knesset majority to eight. It also makes rather clearer the real objective of his war on the P.L.O. in Lebanon.

The Tehiya Party represents the extreme right in Israel. Its leader, Guela Cohen, was the author of the bill that annexed Jerusalem as Israel's "eternal and indivisible" capital. By adding the Tehiya to his parliamentary strength, Begin has insured that the Israeli rejection front is part of the government.

We have argued before that the chief purpose of the invasion of Lebanon is the consolidation of Israeli rule on the West Bank. And, according to the BBC World Service, the price the Tehiya asked (and got) for its support was several thousand new homes and seven new settlements on the occupied West Bank. General Sharon, the designer and executor of the Lebanese war, is also the sponsor of the Israeli settlement movement at home.

Of course, the main argument of the past week has been about the ambiguities of Yasir Arafat. Though he is clearly continuing in his years-old policy of adapting to the existence of Israel, he has not quite uttered the phrases that are demanded of him. Is it not incredibly, tragically unwise for the Israeli government to choose this precise moment to incorporate its own rejectionists more fully into power? If Tehiya and Likud get their way and the West Bank is annexed by Israel, there will be nothing for Arafat to negotiate about and the whole exercise of coaxing him toward recognition will have been in vain.

ROTARY RAMPANT
Christopher Hitchens

REAGAN'S REIGN OF ERROR
Mark Green

ISRAEL & LEBANON
Yael Lotan
Henry Schwarzschild
Milton Viorst

MORAL SNOBBERY & DISARMAMENT
Marcus Raskin

DEMOCRACY 'QUBED'
Jean Bethke Elshtain

THE NEW F.B.I. GUIDELINES

ROUNDING UP THE USUAL SUSPECTS

FRANK DONNER

"Round up the usual suspects."
—Claude Rains in Casablanca

Although the Senate leadership has finally put school prayer, abortion and other social issues on the legislative calendar, another demand of the New Right waits in the wings. This is the call for expanded political intelligence operations by the Federal Bureau of Investigation. The objective is to monitor and, if possible, apply the taint of subversion to the clamorous antinuclear movement and to those opposed to the Reagan economic program. Here, the Administration need not start from scratch; a countersubversive constituency, developed over several decades of the politics of fear, is already in place, thirsting for scapegoats.

A drive is under way to legitimize the Bureau's discredited internal security operations, most of which were terminated in the mid-1970s in the wake of the Church committee hearings on intelligence operations, a General Accounting Office investigation and the public airing of F.B.I. abuses described in documents obtained under the Freedom of Information Act. The main focus of the drive is the scrapping of the modest restraints imposed on the Bureau by the guidelines issued in 1976 by Attorney General Edward Levi, which the F.B.I. is in the process of revising, and the unleashing of the Bureau's domestic intelligence hard-liners. Spearheading the attack is the Senate Subcommittee on Security and Terrorism, created by Judiciary Committee chairman Strom Thurmond and headed by Alabama's Jeremiah Denton, a retired admiral who was a prisoner of war in North Vietnam. The subcom-

(*Continued on Page 110*)

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EXCHANGE.

CBS, Vietnam and the Numbers

New York City

In her article ["The Vietnam Numbers Game," *The Nation*, June 26] attacking the *TV Guide* story "Anatomy of a Smear" I wrote with Sally Bedell, Frances FitzGerald dismisses as "trivial" the journalistic lapses we uncovered in CBS's "The Uncounted Enemy: A Vietnam Deception." Ironically, while trying to defend the show, FitzGerald herself succumbs to one of its many distortions.

In her examination of "the story contained in the broadcast," FitzGerald says that Gen. William Westmoreland's chief of intelligence Gen. Joseph McChristian, was succeeded in mid-1967 by Lieut. Col. Daniel Graham (whom the documentary accused of engineering a cover-up to assist the alleged Westmoreland-led "conspiracy"). McChristian's successor was not Graham but Gen. Phillip Davidson. During the period covered by the program, Davidson was the highest-ranking military intelligence officer in Vietnam, and therefore a key witness who might have been able to challenge CBS's assertions. However, the CBS show did not even include an interview with Davidson. His name was uttered only once (by Westmoreland) in the entire ninety-minute documentary.

By excluding Davidson and his second-in-command, Col. Charles Morris (whom CBS producer George Crile inexplicably interviewed only after the show had been completed, a few weeks before the program aired), the documentary misled even Vietnam War expert FitzGerald about Graham's role within the MACV intelligence structure. The truth is, not a single intelligence officer interviewed on camera in the CBS show was in Daniel Graham's chain of command.

"Trivial" indeed!

Don Kowet
Staff Writer, TV Guide

Washington, D.C.

. . . In the June 26 *Nation* there appeared an article by Frances FitzGerald defending CBS's documentary "The Uncounted Enemy: A Vietnam Deception" and blasting Gen. William Westmoreland and *TV Guide*'s early June article "Anatomy of a Smear." Given the timing of her piece, FitzGerald must have responded very quickly to *TV Guide*. Given its substance, she must not have been objective enough even to *read* the *TV Guide* article.

FitzGerald's article is so full of falsehoods it is difficult to know where to start criticizing it. Let us begin with one point she makes that any cub reporter could have determined was untrue. She identifies me as "head of military intelligence in Vietnam in 1967" and states that I was successor to Gen. Joseph McChristian in Vietnam as chief of intelligence.

Baloney: I was a lieutenant colonel, and lieutenant colonels do not replace generals. McChristian's successor was the able and blunt Gen. Phillip Davidson, who was never even interviewed by CBS in its so-called documentary, although no such "conspiracy" as it inveighed against could have occurred without Davidson playing the key role. He is not mentioned in FitzGerald's sadly defective piece—a fact which suggests that she didn't even read *TV Guide*'s case against CBS, Mike Wallace, George Crile and company. Had she done so, she would have known that it was Davidson, not I, who succeeded McChristian. *TV Guide* devoted several paragraphs to this matter.

There are other gross errors. FitzGerald states that the main forces of the Vietcong (VC) were "guerrillas." Nonsense. They were regular units. If FitzGerald finds Communist generals more reliable than American generals, she will find that North Vietnamese generals make the same point in their memoirs.

She states that the Central Intelligence Agency had "its own totals" of VC strength. Nonsense. There is ample documentary evidence that the C.I.A. agreed with military intelligence on strength figures throughout the war. True, one analyst at the C.I.A.—the one CBS paid to put its documentary together and who was rehearsed carefully for his part in the show—had different figures. This man, Sam Adams, though 12,000 miles away from Vietnam at the time, concluded that there were 600,000 enemy soldiers, not the 285,000 estimated by everyone else—including the C.I.A. This fact was brought out by George Carver, who was in charge of C.I.A. estimates on Vietnam and who is another man never interviewed for the CBS documentary.

History proves the fallacy of the CBS smear of Westmoreland. He is accused of conspiracy for not accepting the views of one man at the C.I.A. that there were 600,000 enemy soldiers in Vietnam. The history of the Tet offensive makes this clear. In the first two days of that abortive effort the Communists launched an all-out attack using every available fighter. The attack involved 85,000 Vietcong and North Vietnamese troops. We knew it was a maximum effort because seriously wounded men and young villagers who didn't even know how to use their weapons were committed to the battle. These facts—easily verified in official and unofficial documents—indicated that Westmoreland's strength estimates were indeed in error, not too *low*, but too *high*! The CBS charge against Westmoreland rests on the proposition that his intelligence officers' estimate of 285,000 was a deliberate lie.

To me, the refusal to face this fact is the most damning condemnation of CBS's hatchet job on Westmoreland. When I was contacted by Mike Wallace to testify in CBS's kangaroo court, I agreed on one condition: that the show would bring out the fact of the strength of the VC attack at Tet and that this gave the lie to Sam Adams's contentions about a massive conspiracy. Wallace agreed to include this point in the edited program. He did not do so. CBS, in answer to my letter pointing out this breach of promise, insisted Wallace had made no such agreement, because "it would have been against the CBS code of contact for interviews." However, the transcript of the interview with me bears out the veracity of what I say. It starts with Wallace suggesting we immediately get out of the way the point I insisted on making.

Further, I informed Wallace during the interview about the nature of the prime source of his accusations—Sam Adams. This man has been obsessed with the notion that his unique view of enemy fighting-strength in Vietnam was rejected because of some huge conspiracy against him. He has put forward various "masterminds" of this alleged conspiracy: Richard Helms, former Director of Central Intelligence, Ed Proctor, former Deputy Director of Central Intelligence, and General Creighton Abrams, former Chief of Staff, U.S. Army. Westmoreland is but his latest target. Adams tried unsuccessfully to peddle his bunkum at the Ellsberg trial (under cross-examination his story collapsed) and at the Pike committee hearings in the House (whose objective was to uncover wrongdoing in intelligence operations; his allegations again collapsed). In 1975, he wrote an article in *Harper's* trotting out his theories; the article contained palpable lies easily refuted by the record.

I made all this clear to Mike Wallace and George Crile. The transcript of my interview and the documentation I sent to CBS bear this out.

Frances FitzGerald is of course entitled to her view that U.S. involvement in Vietnam was wicked and to her hostility toward the people who dutifully conducted that war. She is not, however, entitled to her own facts. . . . The basic facts of the fourteen-year-old dispute over total strength of enemy fighting forces in Vietnam are these: In 1967-68 no one knew precisely how many Communist soldiers were in South Vietnam. Some thought there were more than the official estimates indicated, others (I for one) thought there were fewer. These official estimates were the best we could make and were agreed to by all involved U.S. agencies, including the C.I.A.

The relatively small number of troops the Communists could muster for the Tet offensive indicated that the official estimates were somewhat inflated—yet Westmoreland is accused by CBS of conspiracy for not doubling the figures before Tet.

The question really was whether or not

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EDITORIALS.

'Tea' Time Again

Recently, a blue-ribbon committee of experts on drug abuse appointed by the National Academy of Sciences issued a report calling for the abolition of criminal penalties for marijuana use. The report was barely out before it was denounced by William Pollin, director of the National Institute on Drug Abuse, which financed the study.

The first report on marijuana to be condemned by the politicians was probably the so-called "LaGuardia Report," published in 1944 by New York City Mayor Fiorello LaGuardia's Committee on Marihuana. After extensive clinical and sociological studies, the investigators concluded that "marihuana does not of itself give rise to antisocial behavior" and that "there is no evidence to suggest that the continued use of marihuana is a stepping stone to the use of opiates . . . nor have we observed any permanent deleterious effects from its continued use."

The report was welcomed by sober observers as a worthy scientific attempt to penetrate the "reefer madness" myths purveyed by the Feds, notably Commissioner Harry Anslinger of the Federal Bureau of Narcotics, who did for pot what J. Edgar Hoover did for Red baiting. A headline in *Downbeat* magazine, a contemporary journal of musicology (whose readers included jazz musicians, some of whom were known to take a toke or two), was more enthusiastic: "Light Up, Gates, Report Finds 'Tea' a Good Kick." The Mayor, however, played it cautiously, saying that the findings were not to be taken "as encouragement to indulgence" and promising to "continue to enforce the laws prohibiting the use of marihuana."

Jump forward now—skipping a few studies along the

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way—to the Age of Nixon. In 1972, the President's National Commission on Marijuana and Drug Abuse called for the abolition of all penalties for marijuana possession, and Nixon duly rejected its findings. *Plus ça change . . .*

As the recent Academy of Science's report argues, repeal of criminal penalties for possession of marijuana would produce "substantial savings" in law enforcement and end the "social cost" of arresting 400,000 people annually for possession of small amounts of the drug. We might add that the marijuana laws are selectively enforced. They are often directed at unpopular groups and fall most heavily on the young, whose lives can be blighted more profoundly by a term in the "joint" than by smoking one.

Meanwhile, in laboratories across the nation, scientists continue the search for the true evil of marijuana, much as alchemists sought the philosopher's stone. The findings so far suggest that long-term heavy use of marijuana, like long-term heavy use of tobacco, salt, caffeine, sugar, alcohol, etc., has deleterious effects. Nonetheless, so long as there is political hay to be made out of denouncing grass, politicians will continue to do so. Or as a headline in a latter-day *Downbeat* might put it: "Light Up, Gates, Prez's Man Rejects Another 'Tea' Report."

Middle East Comments

Few subjects arouse as much emotion and sectarian political disagreement as the Palestinian-Israeli confrontation. The Israeli invasion of Lebanon last month rekindled those passions. To illuminate the underlying issues, we have sought out a variety of views on the Middle East. In our July 3 issue, Jacobo Timerman and Denise Levertov commented on the invasion. Below are two personal comments provoked by the present conflict (reported on by Milton Viorst on page 104). We shall publish more opinions in the weeks ahead.

—The Editors

YAEL LOTAN

To see the Israeli invasion of Lebanon for what it really is, one needs a vision that combines (a) Menachem Begin's lifelong ambition to bring all western Palestine (*Eretz Israel* in Hebrew) under Jewish domination—to achieve which he must break down Palestinian resistance; (b) Ariel Sharon's view of Israel as a superpower whose strategic interests range—as he put it in an interview published last December—from northern and central Africa via the Levant to the Persian Gulf and Arabia; (c) Chief-of-Staff Gen. Raphael Eitan's idea that a splendid war machine, such as the Israeli Army has become under his command, must be used if it is not to grow rusty.

The combination of these three concepts led to the war in Lebanon, incredibly named "Peace for Galilee"—which region, incidentally, has experienced nothing warlike since the cease-fire agreement with the P.L.O. in July 1981.

I shall not go into the military and political implications of the siege of Beirut, the end of which, as I write these words, is not in sight. What is becoming discernible is the effect of the war on Israeli society. In the 1967 war, although Israel took the initiative, it was in response to direct threats by Gamal Abdel Nasser. In 1973, it was Egypt and Syria which struck first. The present war caught the Israeli public, no less than the Lebanese, by surprise. Its prolongation beyond the originally stated objective of clearing the P.L.O. out of a forty-kilometer area north of the border, and the high number of Israeli casualties, have shaken the confidence of large segments of the public in the government. Setting aside leftist and peace groups, many Israelis who in the past never questioned the rationale behind the government's belligerent acts—including the so-called "Litani Operation" in 1978 and the bombing of the Iraqi nuclear reactor in 1981—have now grown very thoughtful, and some are already voicing their reservations about the entire operation.

Protests abroad are generally dismissed as hypocritical, motivated by either oil and petro-dollars or anti-Semitism. But the disaffection—which is also found among soldiers in the field—is unmistakable, and is pointed up by the fact that the government has seen fit to organize demonstrations in support of its position. Perhaps for the first time since 1976, Israelis are beginning to wonder if military might alone can resolve the fundamental problems of their country's relations with its neighbors, and to realize that underlying it all is the Palestinian problem. To keep driving these wretched refugees from pillar to post through all eternity does not seem like a plausible answer after all. And it has become disconcertingly clear to many Israelis that whereas in the past it was the declared ambition of the Arabs "to drive Israel into the sea," today it is Israel which seems to be trying to do this to the Palestinians. Only the very gung-ho or the very naïve believe that this can be done and that the Palestinian national movement and its leadership can be crushed. The rest of the public is finding this hard to swallow. Does that mean there is a profound change of heart in Israel, a disenchantment with Begin and his policies? It's too early to say. It is not impossible.

HENRY SCHWARZSCHILD

For a generation now, I have been deeply troubled by the chauvinistic assumptions and repressive effects of Israeli nationalism. I have experienced the war on Lebanon as a turning point in Jewish history and consciousness, exceeded in importance perhaps only by the end of the Second Commonwealth and the Holocaust. I have resisted the idea for more than thirty years, but the war on Lebanon has now made clear to me that the resumption of political power by the Jewish people after 2,000 years of Diaspora has been a tragedy of historical dimensions. The state of Israel has demanded recognition as

Yael Lotan is an Israeli writer and editor, formerly managing editor of New Outlook.

Henry Schwarzschild fled Nazi Germany in 1939.

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the modern political incarnation of the Jewish people. To grant that is to betray the Jewish tradition.

The state of Israel and its supporters have probably been right all along in arguing that political power comes at the price of the normal detritus of the nation-state. But I am not disposed to await the outcome of debates by politicians and theologians on whether the threat from the Palestine Liberation Organization was sufficiently clear and present to justify the killing of so many Lebanese and Palestinian men, women and children (or of *only* so many). I will not avoid an unambiguous response to the Israeli Army's turning West Beirut into another Warsaw Ghetto.

I conclude and avow that the price of a Jewish state is, to me, Jewishly unacceptable and that the existence of this (or any similar) Jewish ethnic-religious nation-state is a Jewish—i.e., a human and moral—disaster and violates every remaining value for which Judaism and Jews might exist in history. The lethal military triumphalism and corrosive racism that inheres in the state and in its supporters (both there and here) are profoundly abhorrent to me. So is the message that now goes forth to the nations of the world that the Jewish people claim the right to impose a holocaust on others in order to preserve their state.

I now renounce the state of Israel, disavow any political connection or emotional obligation to it and declare myself its enemy. I retain, of course, the same deep concern for its inhabitants—Jewish, Arab and other—that I hold for all humankind.

I remain a member of the Jewish people—indeed, I have no other inner identity. But the state of Israel has now triumphed over the Jewish people and their history, for the time being at least. I deem it possible that the state, morally bankrupted and mortally endangered by its victories, is essential to the survival of the Jewish people. Therefore, it may take the Jewish people with it to eventual extinction. Yet I believe that the death of the Jewish people would not be inherently more tragic than the death of the Palestinian people, which Israel and its supporters evidently seek or at least accept as the cost of the "security" of the state of Israel. The price of the millennial survival of the Jewish people has been high; I did not think the point was to make others pay it. That moral scandal intolerably assaults the accumulated values of Jewish history and tradition.

If that is where the state of Israel chooses to stand, I cannot stand with it. I therefore resign all connections with Jewish political and public institutions that will not radically oppose the state and its claim to Jewish legitimacy.

MINORITY REPORT.

Rotary Rampant

CHRISTOPHER HITCHENS

The atmosphere of smugness and self-congratulation which surrounds George Shultz, and which pervaded his confirmation hearings, will be dissipated soon enough by brute experience. The real surprise is that the new Secretary of State got such an easy ride in the first place. True, he can speak reasonable English. True, he is not a second-rate ex-soldier, ambitious and insecure. True, he has no fanatic or paranoid aspect visible to the naked eye. But when you have said that he is not Alexander Haig, you have said it all.

The transcript of Shultz's appearance before the Senate Foreign Relations Committee has not yet been published, but it is open to inspection. It repays study. For one thing, it shows that we now have a Secretary of State lacking in basic competence and grasp. For another, it shows that we have an amazingly feeble Senate Foreign Relations Committee. The two, acting upon each other, combined to produce a dismal and intermittently alarming script.

To begin with, the hearings were not a confirmation but a coronation. Senator Charles Percy, in the chair, set the tone by introducing the man from Bechtel thus:

> Those of us who have been privileged to know George Shultz through the years, and I have been privileged to for 25 years, know him to be an extraordinary man with vast experience, a reputation for prudence, for fairness and justice and a broad understanding of international politics and economics . . .

Percy added that Bechtel was a peerless corporation. So Shultz could sense the toughness of the questioning from the start. Senator Claiborne Pell, who began as a devil's advocate for peace and disarmament, turned mushy at the end and said:

> On a personal note, as a fellow *cum laude* Princetonian and with an honorary degree which we both have from Princeton, I welcome you to this room. Good luck.

Admittedly, confirmations have become extremely *pro forma* (if you forget what happened to Ernest Lefever). And admittedly, Shultz is reasonably well known for government service. But he was being vetted as Secretary of State. And his only foreign policy experience has been with a private corporation—which experience he insists made no impression on him at all.

Faced with this love-bombing interrogation, Shultz took the opportunity to contradict himself, to profess astounding ignorance, to tell a fib or two and to evade truthful responses, before gracefully accepting a 97-to-0 vote in his favor. Few if any senators can have read or watched the whole process, and even some members of the committee were not fully abreast of events. (I must say that I feel sorry for Senator Hayakawa. He's a babbler now. If he were a mule he would be shot.)

Shultz's preferred tactic is that of "all things to all men." If asked about Taiwan by Jesse Helms or Barry Goldwater, he affirms undying fealty to the heirs of Chiang. If he's asked about Peking by Claiborne Pell, he is happy to oblige with warm words about our newest ally. Same with the partisans of Israel and the Palestinians, both of whose "legitimate rights" he defends *in vacuo*.

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This wriggling is facilitated by the tendency of senators to ask questions that anticipate "yes" answers. Here, for instance, is Senator Percy inquiring about a destination for the P.L.O. guerrillas:

Percy: Is Syria an acceptable location as far as most of the parties are concerned who are deeply concerned in this?

Shultz: Yes, I believe so, although Syria has lately expressed some reservations, I gather.

Or, as Hemingway used to say, if your aunt had *cojones* she'd be your uncle.

Sometimes, the answers were frightening. On the matter of nuclear proliferation, where at least he can lay claim to some background knowledge, Shultz told Senator Cranston:

> Well, I do not know quite what a nonproliferation issue is.

But he did say that:

> I believe that we should be willing to sell enriched uranium to countries abroad.

He became more alarming as he persisted with this theme. Seeking to reassure Senator Kassebaum, he told her:

> I would think any sale to South Africa of what in our earlier discussion might be classified as sensitive nuclear technology would be something you would want to look hard and long at before you did it.

And *after* you did it, too, no doubt. Was that "yes" or "no"? was what nobody asked him. When it came to the making of Argentine nuclear weapons, Shultz was more straightforward:

> Certainly any such activities should be discouraged, and we ought to look to any means that we have at our disposal to do so.

Clear? That was on July 14. On July 19, *The Washington Post* had the following headline on its front page:

> US is Allowing Argentina to Buy Critical A-System.

The story went on to detail all the uranium and plutonium that would thus become Argentine by 1984. As the report said, "The export decision would seem to suggest a willingness by the Reagan administration to exploit loopholes in the Nuclear Nonproliferation Act." Or as Shultz himself put it, defending Bechtel's role in peddling nuclear paraphernalia to Brazil, "Salesmen are always enthusiastic."

It's that very kind of breezy businessman's pseudorealism that unfits Shultz for his new job. The world is not a marketplace or a convention, to be tackled with Rotary Club nostrums. In the remainder of his testimony, the Secretary-to-be showed dazzling ignorance. For instance, on Lebanon:

> I would have to say that I have not really had a chance to talk with very many people from that part of the world so I do not have anything to go on other than my own impressions and what I read.

Swell. On El Salvador, he said that the "Land to the Tiller" program is going forward rapidly (an astounding opinion) but added that "reforms" were a good thing of which you could have too much:

> There are other reforms in the picture that, at least from my perspective, are reforms we could do without. To me it is not a reform to insist on nationalizing the bank.

Pressed for an assurance that the case of the murdered Maryknoll nuns would be considered in certification of aid to El Salvador, he came up with a Rotary gem:

> I do not want to say something that gets me into a legal position of some sort that I do not want to be in.

And, when asked if the Honduran Army had been encouraged to take a hand by the United States:

> I do not know that we have, but I do not know that we have not.

He was luminous on the complexities of Indochina:

> I think *the main point* is to get Vietnam out of Cambodia or Kampuchea or whatever is the right name for that part of the world. (Emphasis added.)

On the arms race, he was no less penetrating:

> While we were basically standing still, they [the U.S.S.R.] continued to build up.

When *was* that? (Another question he wasn't asked.) On human rights and foreign policy, he seemed to admit that there was a connection:

> Severe differences in the human rights area will put a strain on our relationships with other countries. They have and do. It's one of the things that puts a strain on our relationships with the Russians.

On any other relationships? He wasn't asked.

Shultz got easy headlines for his apparent even-handedness toward the Palestinians. But on the crucial question of whether the Administration opposed an Israeli storming of West Beirut, he fudged:

> As I understand it, I am not part of the Administration. I am not here speaking for the Administration.

On Saudi Arabia, he opined that its national expenditure "has been handled with thoughtfulness and skill" and that "if there are threats to the stability, they originate outside."

Finally, when asked if a conventional war could be "limited," he came up with the best Rotary euphemism of all:

> Well, I would think that there would be great incentives to limit any conflict to the conventional arena. On the other hand, we have left ourselves open to do as we think proper in the event of Soviet aggression.

"Incentives." (Shultz also confessed that it would be "difficult" to fight a limited nuclear war.) This boardroom mentality, combining sublime ignorance and cheery confidence, is potentially lethal. Within three days of his confirmation, Shultz broke his pledge on nuclear materiel for Argentina. Other failures and betrayals, in Lebanon especially, await us. How on earth did the press and the Senate give him such a clear run?

Christopher Hitchens will be writing a biweekly column from Washington.

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THERE HE GOES AGAIN.

Reagan's Reign Of Error

MARK GREEN

Reagan: "Our original [budget cuts] totaled $101 billion. . . . Our own representatives from the Congress proposed compromising at $60 billion. Their counterparts from the Democratic side of the aisle proposed $35 billion." (April 29 speech)

Truth: House Democratic aides later pointed out that Reagan's $35 billion figure only included reductions in *domestic* programs. It didn't include defense cuts, tax increases, user fees or lower interest payments, all of which could reduce the deficit. If these were included, the Democrats' deficit would have been less than Reagan's or the Republicans'.

Reagan: "Those [nuclear weapons] that are carried in ships of one kind or another, or submersibles, you are dealing there with a conventional type of weapon or instrument, and those instruments can be intercepted. They can be recalled. And so they don't have the same, I think, psychological effect that the presence of those other ones that once launched, that's it. . . . What we're striving for is to reduce the power, the number, and particularly those destabilizing missiles that can be touched off by the push of a button." (May 13 news conference)

Truth: Submarine-launched missiles *cannot* be recalled or intercepted—and if President Reagan continues to think differently, he may be quite surprised in a nuclear exchange. And the destabilizing impact of land-based ICBMs is not that they "can be touched off by the push of a button." They can't. The problem is that their great accuracy might encourage a pre-emptive nuclear first strike.

Reagan: "A tax shelter is only a shelter if you lose your investment. . . . And the fact is that, like so many others who have gone into government service, [Attorney General William French Smith's tax shelter] was done by someone that the Attorney General trusts to handle the investments he might have." (May 24 Q. and A. session with reporters)

Truth: It is simply not true that a person benefits from a tax shelter only if he or she loses money, as any tax lawyer knows. Reagan was also wrong to blame an investment counselor for putting Smith's money in a tax shelter that converted a $16,500 investment into $66,000 in tax deductions, or twice the amount allowed by the Internal Revenue Service. Thomas P. DeCair in the Attorney General's office admitted two weeks before the President's statement that Smith "did it himself despite his blind trust that holds his assets."

Reagan: Elizabeth Drew wrote in the June 21 *New Yorker* that in a White House meeting, the President lauded the inventor of Rubik's Cube as exemplifying the virtues of American free enterprise.

Truth: Erno Rubik, the inventor of the cube, is a Hungarian professor living in Communist Budapest.

Reagan: "There have been no budget cuts," the President told a Houston audience, merely a slower increase in Federal spending. (June 15 speech)

Truth: In 1981, the Federal government spent $8.1 billion on the Aid to Families with Dependent Children program; that fell to $7.8 billion in 1982 and to $6.4 billion in the 1983 budget. Spending in 1981 for jobs and training was $5.6 billion; in 1982 it is $4.3 billion and in 1983 it will be about $3 billion.

Reagan: "Justice Oliver Wendell Holmes once said, 'Keep the government poor and remain free.'" (June 15 speech)

Truth: According to an official in the White House speechwriting office, the President "came up with that [quote] himself. Holmes never said anything point-blank exactly like that . . . we're still trying to track it down." Prof. Ed Bander of the Suffolk Law School in Boston, a recognized Holmes scholar, remarked that Justice Holmes "doesn't say anything that I can see which resembles that quote."

Reagan: "Twenty years ago, during John F. Kennedy's Camelot, spending for human needs was 29 percent of his budget; defense spending was 46 percent of his budget. In our proposed budget for 1983, the social needs, the human needs, total 51 percent of the budget, and defense spending is only 29 percent." (June 15 speech)

Truth: This effort to demonstrate that the Reagan Administration budget is more generous in terms of "spending for human needs" than the Kennedy Administration budget is misleading. The percentages in President Kennedy's budget reflect the fact that many of today's domestic spending programs were not then in existence. Rather, they were proposed by Kennedy and passed by Congress after his assassination. For example, Medicare, Medicaid, Supplemental Security Insurance, food stamps, child nutrition and CETA programs, and Title I education grants were instituted after 1963. Today, spending for these programs totals over $96 billion, more than 13 percent of the Reagan budget.

Also, there are now twice as many Americans over the age of 65 as there were when Kennedy was President. This fact, coupled with cost-of-living increases in Social Security (started *before* President Reagan was elected), accounts for a rise in Social Security expenditures from $13.1 billion in 1961 to $173.8 billion in the projected budget for 1983.

Reagan is taking credit for a two-decade trend that he has deplored and that John F. Kennedy began.

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Reagan: "I think we're ahead of just about anyone at this point with regard to the appointment of women to high positions in our government." (June 30 news conference)

Truth: According to the National Women's Caucus, in the first sixteen months of the Carter Administration, sixty-five out of 637 appointees to positions requiring Senate confirmation were women—or 10.2 percent. Under President Reagan, of the 679 people appointed to administrative positions requiring Senate confirmation, fifty-one were women—7.5 percent.

Those figures do not include judicial appointments. Reagan did appoint the first female Supreme Court Justice, Sandra Day O'Connor. But as of May of this year, the President had appointed only four women to sixty-six judicial positions—6 percent. By the end of his term, Carter had appointed women to forty-two of 260 judicial openings—15.8 percent.

President Reagan has not yet appointed any women as general counsels or undersecretaries. Under Carter, seven general counsels and three undersecretaries were women.

Mark Green is the president of the Democracy Project and author of Winning Back America *(Bantam). Laura Mosedale and Steven Solow provided research assistance for this column.*

ARTICLES.

LABOR'S DILEMMA

Begin's Preventive Political War

MILTON VIORST

Tel Aviv

Two hundred thousand Israelis jammed into the municipal plaza here on a balmy Saturday night some weeks ago for what was advertised as a nonpartisan demonstration in favor of the war in Lebanon. But for Menachem Begin, nothing is nonpartisan.

Raising the pitch of his frenzied voice, Begin cried, "Why is there no consensus? Because the Alignment is in the opposition." His message was that the Labor Party had betrayed Israel by refusing to give the government its full support in the invasion of Lebanon. To this the passionate crowd roared back its approval: "Begin, Begin—Begin, Begin." The Prime Minister, in grand appreciation, raised his hands and beamed.

Begin was correct in declaring that never before had an opposition party objected to one of Israel's wars—but that is because he was always the leader of the party in opposition, and his only complaint on previous occasions had been that the government was too slow in going to war or too modest in its military objectives.

Now, after five years of nourishment on Beginism, Israel is indisputably hawkish. Still, opposition to the war is strong, open and articulate. Though Israeli political debate has never been sedate, the two sides are currently going after each other like scorpions. The debate is straining the political system, undermining the very mechanisms necessary to get the country back together again.

Begin's rally was actually a counterdemonstration to an antiwar rally held on July 3 by Peace Now, an organization of Israeli doves. How many people Peace Now brought to Tel Aviv remains in dispute, with estimates starting at 10,000. When the state-controlled Israeli television network cited the police figure of 100,000, some of Begin's supporters in the Knesset demanded the resignation of the director-general of the broadcasting authority.

Michael Kleiner, a Likud parliamentarian who has taken on a sort of Joe McCarthy role in Israeli politics, raised the ante by introducing legislation to ban all peace rallies in wartime. He also claimed to have confidential information that the Peace Now demonstration had been funded by Saudi Arabia. Peace Now insisted that it had been funded by American Jews, and it offered to open its books to law enforcement authorities. It then called on Kleiner to apologize publicly or waive his parliamentary immunity and face a libel suit, but Kleiner did neither and the matter sputtered to an end.

Begin's supporters nonetheless felt challenged by Peace Now, and a few days after the antiwar rally they announced that they would assemble Israel's "silent majority" to make a statement on where the country really stood. They organized efficiently, bringing in backers by the busload from the far north communities that had been under P.L.O. guns, from the West Bank settlements, where compromise with the Arabs is considered sacrilegious, and from the Tel Aviv and Haifa slums, where Oriental Jews enjoy nothing as much as smiting their ancient Moslem oppressors. The Begin people won the battle of street-level democracy hands down: their demonstration was at least twice as large as Peace Now's.

As might be expected, Labor Party spokesmen did not take Begin's public attack gracefully. A protest is one thing, they said, but an official rally, all but sponsored by the government, smacks of "fascism." A few outspoken critics compared it to Hitler's rallies at Nuremberg and Mussolini's balcony bombast before huge mobs in the piazzas of Rome.

What worries the government about the debate, at least according to its official statements, is the effect on the troops in the field. Though there have been no serious

Milton Viorst, author of Fire in the Streets: America in the 1960's *(Simon and Schuster), writes frequently on the Middle East.*

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disciplinary problems, it is no secret that a strong strain of opposition to the war exists among both the officers and the troops. For example, a group of soldiers, who said they represented nearly 200 combatants, traveled from Lebanon to Jerusalem to tell the press corps that they did not want to participate in this "new cycle of conquest—opposition—oppression." Other soldiers' groups have also issued statements, though in somewhat milder tones.

Begin, of course, would like to blame the war's opponents for the dissent within the army. When copies of a pamphlet produced by Mapam, the dovish left wing of the Labor Coalition, were found at the front, the attorney general threatened to prosecute the group on grounds of sedition. The government subsequently withdrew the threat, but, according to the Israeli press, it continued to distribute its own propaganda while barring from distribution all newspapers advocating outspoken antiwar positions.

To be sure, Begin is correct in claiming that a large majority of Israelis support the war. There is a pervasive feeling here, as there would be in most countries, that once a war starts, the people should rise up as a single force to wage it. The Labor Party opposition is bitterly divided on this question. Among those backing Begin is Gideon Hausner, the former Labor Party minister who prosecuted Adolph Eichmann. Hausner has denounced the public criticism of the war as "pathological."

"Instead of taking pride in having performed a supreme service for the international community by suppressing a dangerous evil—and thereby also securing peace for ourselves," he wrote in the *Jerusalem Post*, "we are spreading doubts at home and abroad about the justice of our activity. And in the process, we are weakening our army and population—and strengthening our numerous foes."

Abba Eban, former ambassador to the United Nations, who happens to be Hausner's brother-in-law, has been the most daring challenger of this position among the elected leadership of the Labor Party. Shimon Peres, Labor's prime minister-designate, tries as usual to be all things to all people and winds up being very little to anyone. Yitzhak Rabin, the former prime minister and now the shadow defense minister, has spoken openly in favor of the invasion. Indeed, some say the Labor Party will not survive this fragmentation but will break up into factions of hawks and doves. What hope it has for remaining intact is based not on any prospect of reaching a common position on the war-peace issue but on a common distrust of Menachem Begin.

Many Laborites feel the party was deceived when it was called on by the government to endorse not a full-scale war but a relatively quick action that would drive the Palestinians out of a sector twenty-five miles from the Israeli border. Most members of the party, including the doves, responded positively, only to find that the plans for the war had always been more grandiose. Once the fighting intensified and the government announced the extent of civilian casualties in Lebanon, many Laborites thought it was lying. When the government declared that the stores of captured weapons "proved" that a massive invasion of Israel had been imminent, some Labor Party analysts contended that the figures had been falsified and that the weapons were so antiquated that the threat to Israel had never been real.

Labor's dilemma is that it cannot realistically hope to gain politically even if its gloomy prophecies are shown in the coming months to have been correct. In theory, an antiwar opposition should profit from heavy casualties, such as those taken in the fight to seize West Beirut, and from the attrition that is inevitable in a protracted occupation. But Begin is already laying the political groundwork to justify such reverses, and Labor knows there is little it can do about that. Should the invasion fail, Begin will surely say it was not his fault but the fault of the treasonous dissidents, who sapped morale, undermined diplomacy, encouraged the enemy and discredited Israel in the eyes of the world. And the majority of Israel, given its current mood, is likely to believe him. □

DISARMAMENT MINI-DEBATE

Abolitionists & Prudentialists

MARCUS RASKIN

Nuclear disarmament advocates can be divided into two groups, the abolitionists and the prudentialists. The abolitionists regard nuclear weaponry in the same way that their nineteenth-century namesakes viewed slavery: as an unmitigated evil. Thus, they have little interest in arms-control agreements, which they see as devices for further arming of the superpowers.

The prudentialists support arms-control negotiations and seek to understand the intentions and motives of opposing powers. They believe in creating interdependent relationships between nations, which serve to downgrade ideological differences, build mutual confidence and allow internal debates on fundamental questions of defense policy. These debates, the prudentialists believe, could bring about comprehensive disarmament measures.

Last April, the Institute for Policy Studies, an independent left-liberal think tank in Washington, D.C., and the Institute of U.S.A. and Canada Studies, an agency of the Soviet Academy of Science, agreed to enter into a series of discussions on the issues of arms control, disarmament and U.S.-Soviet relations. These discussions were first held in Moscow from April 6 to April 10. The American delegation included abolitionists and prudentialists, while the members of the Russian delegation were all prudentialists. At the conference, the views of disarmament advocates on both sides

Marcus Raskin, a senior fellow at the Institute for Policy Studies, is a member of The Nation*'s editorial board.*

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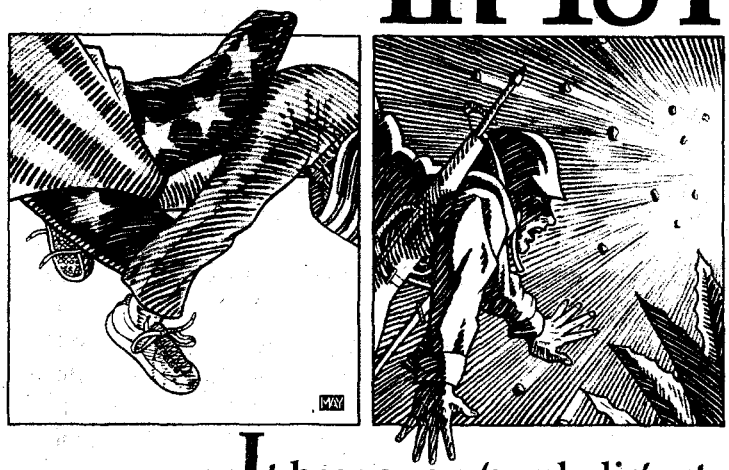
Congratulations. You can now be drafted in 48 hours.



It began as a 'symbolic' act. But now, two years, a new President, and 7,000,000 postcards later, draft registration is an oppressive fact of life. Here's how to beat the draft and keep us out of the next unwinnable war. Do it for yourself, your son, your brother. Do it for all of us.

Even though every branch of the U.S. armed forces has topped its recruiting goal and reached the manpower maximums authorized by Congress, the new draft is poised to begin.

Selective Service (SS) is back.

The system will spend $23 million this year alone to set up draft boards across the country.

It's already developed harsh new "alternative service" programs.

And it's ready to send out thousands of induction orders within 48 hours of a Presidential request.

When you receive your orders, you'll have ten days to report for medical clearance. No excuses will be accepted.

So the time to beat the draft is now. The time to join DraftAction is now.

There's simply no time to waste.

DraftAction is devoted solely to battling conscription.

We lobby in Congress. We act in the courts.

We're fighting on every front to block the conviction of an estimated 500,000 young Americans who have already laid their own beliefs on the line and refused to register for a peace-time draft.

But time is running out for us, for you, for them.

Despite the most massive groundswell of anti-war feeling since the Vietnam Era, the Reagan Administration still treats combat as a "viable policy option."

Which means when you join Draft Action you'll be part of the most important struggle of our time.

Because draft registration is prelude to the draft. And there's never been a draft without a war.

Beat the draft for $15.

We'll keep you on top of late-breaking events. We'll show you exactly where, when, and how to put your energy to work where it counts.

And we'll put your membership contribution to work right away, making facts public, organizing Congressional resistance, expanding our activist network of anti-draft volunteers coast to coast.

To win, all we need is time...and your support. Use the coupon below. Mail it now.

You see, draft registration isn't symbolic anymore. It's literally a matter of peace and war.

Say NO to the DRAFT!

I say YES to DraftAction! Sign me up as a member and send me your newsletter and special alerts. For joining now, I'll also receive a free bumpersticker (see above) that makes my position absolutely clear. Enclosed is my contribution of:

☐ $15 BASIC ☐ $30 ACTIVE ☐ $50 SUPPORTING ☐ MORE

NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

My check is made payable to

DraftAction

Barry W. Lynn, President

534 Washington Bldg, 1435 G St NW, Washington DC 20005

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Public Media Center

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(including those of this author) were ventilated and important information on areas of disagreement and agreement emerged. In short, it was a microcosm of the world disarmament debate.

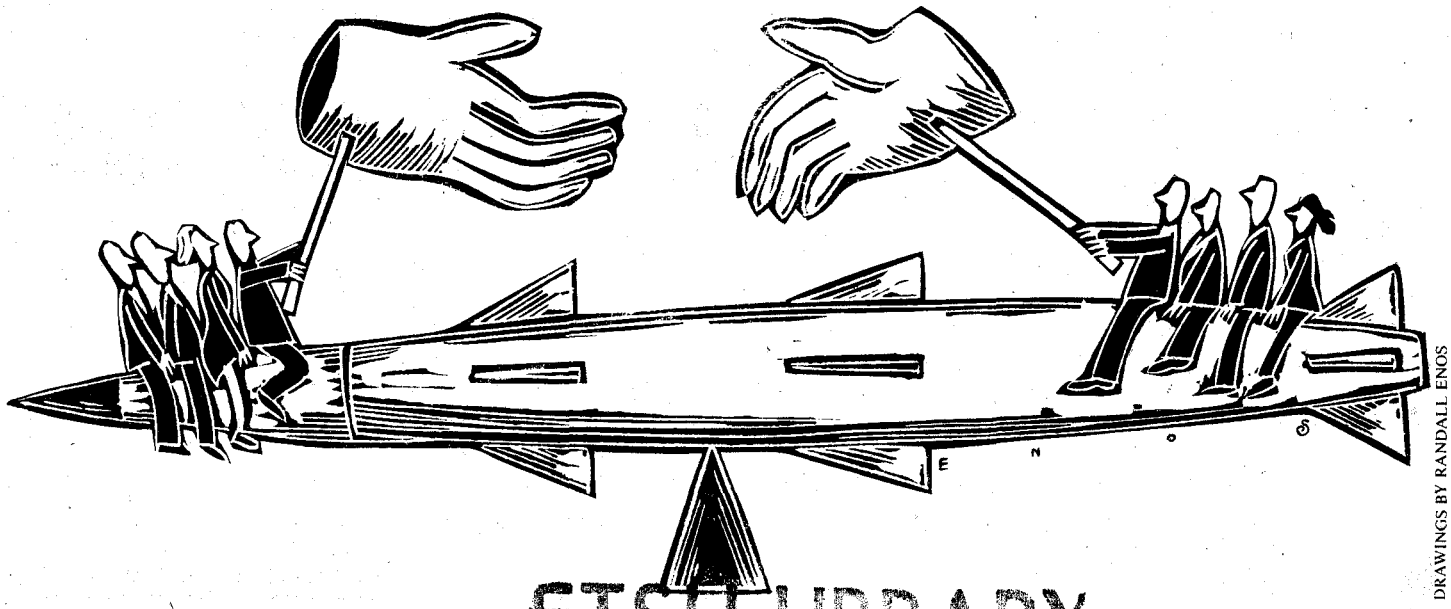
The Soviet delegates' views on the SALT II treaty provided one example of the differences that divide the superpowers. Despite assurances expressed at the conference by U.S. Ambassador to the Soviet Union Arthur Hartman that both sides are observing the spirit of SALT II, the Americans were hard pressed to explain to their Soviet counterparts why the United States will not sign the agreement, which would require the Soviet Union to decrease its missile launchers by 242. The Russian delegates made it clear that their government was not likely to take such a step without a treaty.

Both the Russians and the Americans, however, expressed concern about the growing acceptability to defense planners of counterforce strategies, whereby each side seeks to acquire the capability of destroying the other side's missiles. Because the Soviet Union does not have the economic strength to match the United States missile for missile, the Russians said, Soviet defense planners will probably adopt the launch-on-warning system—firing one's missiles the instant notification of an enemy attack is received to prevent them from being destroyed by the other side's missiles—as a countermeasure. The Soviet participants did evince interest in a proposal put forward by Representative Albert Gore, which would bar "any additions to the counterforce inventory of either side and . . . any improvements to counterforce weapons currently deployed." Gore also called for negotiations leading to the reduction and ultimately the dismantling of the Soviet SS-18 missiles, with the United States agreeing not to deploy the MX and Trident D-5 missiles in return. Given the expressed but as yet untested willingness of the Soviet Union to accept monitoring devices and other inspection procedures on its soil, the Gore proposal, as well as others calling for warhead and launcher reductions (e.g., by means of "nuclear-free zones"), could be the basis for fruitful bilateral discussions between the superpowers.

An insight into the Soviet Union's attitudes toward negotiating with the United States was provided by the Russian delegates' comments on current U.S. foreign policy, about which they expressed considerable alarm. They pointed to recent Administration flip-flops, which appeared to them to have been motivated more by ideology than by any realistic considerations of the U.S. national interest. They were particularly concerned about the Reagan Administration's on-again, off-again trade policies. Uncertainty about trade relations with the United States has an adverse effect on Moscow's ability to formulate its five-year plans, they explained. The Soviet Union has become increasingly dependent on foreign trade in recent years, and its economic planners need reliable import figures. Sudden cancellations of trade agreements are disruptive to the economy, and they also have profound political effects. The officials responsible for planning and the party functionaries who must justify the government's actions at the grass-roots level bear the brunt of public criticism for economic failures to which trade interruptions have contributed. As a result of the Reagan Administration's unpredictability, Moscow has become very cautious about entering into agreements with the United States, even when they are obviously in its interest.

The Soviet participants were opposed to any linkage of arms-control negotiations with trade or other issues, including human rights. The American representatives to the conference repeatedly raised human rights issues, but the Russians countered that arms control is too important to be a hostage to transient political differences or human rights claims by individuals. They reminded the American side that the Soviet Union signed SALT I at a time when the United States was bombing Hanoi and Haiphong. In sum, the Russians believe that their country's relations with other nations should not affect arms-control and disarmament negotiations with the United States.

The Soviet delegates were sympathetic to discussions aimed



DRAWINGS BY RANDALL ENOS

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at attaining comprehensive disarmament, but their overriding interest seemed to be in more limited agreements on strategic nuclear weapons. They were eager to hear our opinions on the no-first-use proposals put forth by George Kennan, McGeorge Bundy, Robert McNamara and Gerard Smith in the Spring issue of *Foreign Affairs*. And they were concerned about the possibility that the United States might not renew the antiballistic missile treaty. If this treaty is permitted to lapse, they said, counterforce, launch-on-warning strategies would be the only alternative for both sides. And if the superpowers adopted these postures, the danger of a nuclear war would be dramatically increased.

The abolitionists in the U.S. delegation expressed their impatience with the cautious attitudes of the Soviet prudentialists. They argued that nuclear armaments have a moral and a legal dimension as well as a strategic one, and they sought to convey to the Russians a sense of the growing popular revulsion in Europe and the United States against the arms race. They also contended that preparing for nuclear war and countenancing a first-strike doctrine should be considered war crimes under the Nuremberg judgment and international law. In other words, nuclear weapons are not merely counters in the diplomatic chess game. According to the abolitionists, scientists, government officials, technicians and others who serve the nuclear war machine should be open to condemnation on moral grounds. Although the Russians agreed that nuclear war was a crime against humanity, they did not support unilateral disarmament.

Reflection upon what was discussed at the conference has persuaded me that future disarmament efforts could have five objectives that would satisfy both the prudentialists and the abolitionists. They are:

§ Renewing the ABM treaty and ending underground tests of nuclear weapons.

§ Ratifying SALT II.

§ Convening the Military Staff Committee of the U.N. Security Council to discuss proposals on such matters as the no-first-use doctrine, nuclear-free zones, reduction of tensions between rival military alliances and military budget freezes.

§ Negotiating a comprehensive disarmament treaty within a set time.

§ Increasing international discussions among academics, scientists, theologians, trade unionists and citizens' groups to explore unofficial initiatives to end the arms race. For example, scientists could be asked to sign a kind of Hippocratic oath that they would not contribute their skills to the nuclear war machine. Another idea would involve organizing ordinary citizens to monitor a nation's compliance with disarmament and arms-control agreements.

One thing is clear: it is necessary for prudentialists and abolitionists to abandon the mutual distaste that has separated them in the past and to work together. Abolitionists—and I include myself among them—must relinquish their moral snobbery and welcome prudentialists like Mssrs. Bundy, Kennan, McNamara and Smith into the nuclear disarmament movement—if that is where they truly wish to be. □

'INTERACTIVE' TV

Democracy and The QUBE Tube

JEAN BETHKE ELSHTAIN

Will the new television technologies make our society more democratic? A number of observers are saying that they will. These range from Mark Fowler, chairman of the Federal Communications Commission, who holds that a deregulated cable marketplace is a better guarantor of "freedom" than any other telecommunications system, to Benjamin R. Barber, a professor of political science at Rutgers University. Barber wrote in *The New York Times* of a "coming second age" of television as a result of the "telecommunications revolution." He cited several innovations that have made television "a potentially powerful ally of democracy" holding "great civic promise." Among these is interactive television, a two-way cable system that enables viewers to respond in their homes to questions flashed on the screen. The prime example is Warner Amex Cable Communications' QUBE in Columbus, Ohio. Systems like QUBE, Barber wrote, "can enhance the quality of communication and reinforce civic exchanges."

But the advocates of interactive television display a misapprehension of the nature of real democracy, which they confuse with the plebiscite system. The distinction is not an idle one. In a plebiscitary system, the views of the majority, in the form of popular initiatives, swamp minority or unpopular views. Plebiscitism is compatible with authoritarian politics carried out under the guise of, or with the connivance of, majority opinion. That opinion can be registered by easily manipulated, ritualistic plebiscites, so there is no need for debate on substantive questions. All that is required is a calculation of opinion.

Being a citizen in a democracy, on the other hand, requires more than merely registering one's opinion. As the political theorist Brian Fay has said, what "is most significant is the involvement of the citizens in the process of determining their own collective identity." A true democratic polity involves a deliberative process, participation with other citizens, a sense of moral responsibility for one's society and the enhancement of individual possibilities through action in, and for, the *res publica*.

The ersatz participation characteristic of interactive television is dramatically at odds with this democratic ideal. The claims of the advocates of "participatory" television are reminiscent of those of the early television enthusiasts who insisted that the medium would be a socializing instru-

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ment, one that would bring families, even nations, together. But that has only happened on rare and dramatic occasions (the assassination and funeral of President Kennedy, for example). Television has not enhanced sociability, strengthened civic culture or, as Barber claims, meant the "overcoming of alienation." Instead, it has produced a deepening social fragmentation.

Watching television is an isolating experience. As Rose Goldsen, a professor of sociology at Cornell University pointed out in "The Television Explosion," a special shown on the Public Broadcasting System on February 14, the interaction that takes place involves a single individual and an impersonal screen. If, Goldsen noted, we add to this the fact that 40 percent of American homes have more than two sets—one in the kitchen, one in the family room, one in each child's bedroom—what emerges is an image of alienation, not one of togetherness and the flowering of civic culture. Television is privatizing: it appeals to us as private consumers, not as public citizens.

A closer look at the QUBE system will clarify my argument. Television sets in each participating home are scanned every six seconds, so that viewers' responses are tallied by computer almost instantly and displayed on their screens. QUBE subscribers get to register their opinions on such local issues as whether or not the school system is well run. There are also plebiscites on national issues. Viewers are asked to respond to such questions as: "What effect do you think Reaganomics will have on the economy? Do you think it will (1) greatly help, (2) somewhat help, (3) make no difference, (4) somewhat hurt, (5) greatly hurt?"

On the surface, this may seem democratic: one gets to make one's opinions known. But the "one" in this formulation is the privatized viewer rather than the public citizen, and he or she gives an instant "opinion" rather than concurring or dissenting from a position hammered out through debate and democratic discourse. A compilation of opinions does not make a civic culture; such a culture demands a deliberative process in which people engage one another as citizens.

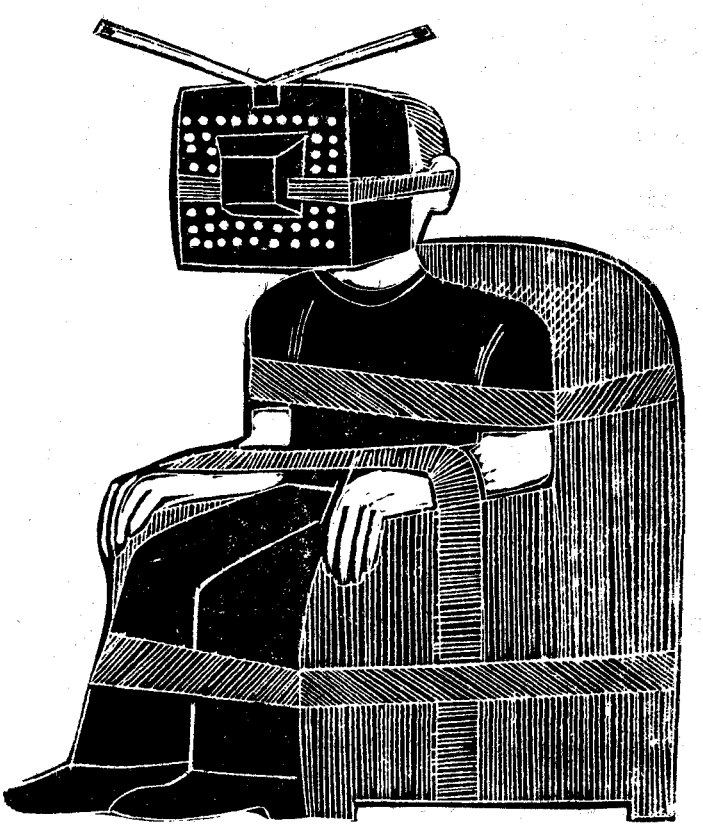
Evidence that interactive television enhances privatization may be found in the statements of QUBE consumers interviewed on "The Television Explosion." One QUBE mother reports, with relish, that her young son will not "sit still for me to read a story to him." No matter. She turns on the "children's programming," where they "go through a story, with the animation." The youngster, she says, is "just . . . thrilled." Goldsen contrasts this with old-fashioned storytelling, which involves a verbal and tactile relationship between two people. As many have pointed out, while watching animated figures on a screen, the child is enveloped in silent isolation.

Another example, involving the same QUBE family, is equally unsettling. The father reports, delightedly, that he and his wife "have not gone out to movies for almost two years now because of the QUBE system." He goes on to explain that he finds it more enjoyable to stay home, because he can "go over to the refrigerator and raid it whenever [he] want[s]." Whatever all of this means, it certainly has nothing to do with promoting civic culture or rousing social conscience. Rather, it may promote an electronic oligarchy capable of manipulating public opinion through plebiscitary forms.

Given the capacities of many two-way systems to scan homes, register opinions and keep records, many observers have expressed apprehension about their potential for invading privacy. "The Television Explosion" reported that QUBE's response to this fear was to take a poll of its subscribers. Seventy percent of them said they were not worried about their privacy being violated, which settled the matter as far as QUBE was concerned. Others might say that such a poll demonstrates how serious public issues and debates on those issues can be manipulated to insure that vested interests (in this case those of the cable owners and managers) are served.

But beyond privacy invasion, interactive systems encourage social atomization and they foster the notion that an electronic transaction is an authentic democratic choice. That so many people see democracy alive and well in electronic beeps, flashes and commands to "register your opinion now" shows how confused we are about the essential nature of choice. To see button-pressing as a choice, as a meaningful act on a par with marching in an antinuclear rally, lobbying against toxic waste dumping or working for a political candidate, indicates our tacit embrace of a crude version of the "preference theory" of economics.

This theory holds that in a free-market society, individual consumer choices result in the greatest benefit to society as a whole at the same time as they meet individual needs. The presumption behind this theory is that every one of us is a "preference maximizer." Aside from being an extraordinarily crude explanation of human motivation, preference



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theory lends itself to a blurring of important distinctions. Picking Crunchy Creatures over Funny Flakes for breakfast becomes a choice comparable to supporting or opposing a local school bond issue. Finally, according to preference theory, there is no such thing as a social good—there are only aggregates of private goods. Interactive television contributes to this flattening out of the less and the more important into one indiscriminate blur. The methods of choosing a consumer item or registering an opinion on a military buildup are identical in form and equally devoid of content.

Interactive television embraces a view of human nature and the human condition that is opposed to the view that people are social beings who require certain conditions for the development of their capacities. A democratic civic culture is grounded in the belief that free individuals must be concerned about their society, and that society can and must help to form the civic capacities of its citizens. This means that the democratic citizen can only be formed in a particular kind of civilization. If that civilization is diminished or disappears, the free individual cannot survive. The interactive shell game cons us into believing we are participating when we are really simply performing as the responding "end" of a prefabricated system of external stimuli. The pathos of this belief is that under the banner of democratic choice we may become complicit in eroding a system that makes genuine choice and deliberative democracy possible. At that point we shall have lost the *res publica* and replaced it with a plebiscitary world in which we face our television screens rather than one another. □

New Guidelines

(*Continued From Front Cover*)

mittee's mission appears to be strikingly similar to that of the committee headed by Representative Hamilton Fish in 1930. The Fish committee served as a standard-bearer in the campaign to revive the F.B.I.'s Red-hunting activities, which Attorney General Harlan F. Stone had banned in 1924.

For its inaugural effort, Denton's subcommittee held a series of hearings last year on terrorism. Then, on June 24 and 25, the subcommittee turned to the 1976 guidelines. A parade of witnesses, led by F.B.I. director William Webster and W. Mark Felt and Edward S. Miller, the former F.B.I. officials who were convicted in 1980 of authorizing break-ins without warrants in the course of an investigation of the Weather Underground (the two were pardoned last year by President Reagan), expressed hostility toward the guidelines. Webster stated that the guidelines worked "reasonably well" but needed to be changed to give the Bureau more flexibility in dealing with "terrorist groups."

Senator Denton left no doubt as to his views. In his opening statement he named a number of groups that, he asserted, favored violent revolution: the Progressive Labor Party, the Socialist Workers Party, the May 19 Communist Organization and the Weather Underground. He also referred to the National Lawyers Guild as a group seeking "to exploit the law in order to bring about revolutionary change." Denton's performance displayed a strange mixture of fanaticism and innocence that went beyond mere ignorance; he came across as a ghost of the fundamentalist Americanism of the 1920s, roaming the shadowy byways of contemporary countersubversion. (He was particularly mystified by the phrase "First Amendment activities.")

Affirming the pen's lead over the sword, Denton warned that "support groups that produce propaganda, disinformation, or 'legal assistance' may be even more dangerous than those who actually throw the bombs." There are echoes of nativist conspiratology in his charge that the Felt-Miller convictions "disclosed the unrelenting hostility of certain groups in our society to the political philosophy which this Administration represents as it seeks to reshape our strategy for countering Soviet efforts at subversion, espionage and terrorism." Indeed, it was these sinister groups that engineered the convictions in order to profit from "the symbolism represented by a felony conviction" of such distinguished patriots. Denton proudly assured Felt that on the issue of domestic security he was a "right-wing kook."

The master of the paranoid style, the tiger who makes Denton seem like a pussycat, is committee member John P. East, North Carolina's professorial contribution to the Senate's New Right contingent, the originator of the court-stripping strategy and a last-ditch opponent of the Voting Rights Act. If Denton is the bumbling primitive whose off-the-wall homilies—we could call them jeremiads—are hard to take seriously, East is the fervent ideologue eager for the limelight. (If only the namby-pamby Senate Intelligence Committee would relinquish its jurisdictional priority and leave the stage!) East has long sounded the terrorist alarm; in the course of the June hearings he cited the Hinckley assassination attempt and the killings during the attempted Brink's robbery in Nyack, New York, in support of his charge that the Levi guidelines have left us helpless in the face of a mounting threat to national security. East has really done little more than concoct such a threat and proclaim its immediacy; he certainly hasn't explained how the hawkish surveillance program he espouses would make us more secure. That explanation may be provided by East's legislative aide, Samuel T. Francis, the intelligence point man for the New Right and the author of the internal security section of the Heritage Foundation's report "The Intelligence Community."

After earning his doctorate from the University of North Carolina with a thesis on the foreign policy of Edward Hyde, the first Earl of Clarendon, Francis became a policy analyst for the Heritage Foundation in 1977. In 1981, the foundation published his second tract, which was entitled "The Soviet Strategy of Terror," an unintentional parody of the genre. The earlier Heritage report on the intelligence community charges that the United States is under siege by

Frank Donner is the author of Age of Surveillance *(Alfred A. Knopf) and is now working on a supplemental volume dealing with police Red squads. He wishes to acknowledge the research contributions of Eric Etheridge, Monica Andres and Sara Seigle.*

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terrorist groups and that the K.G.B. has penetrated all levels of government and also operates a vast network of proxies and spies. Because the 1976 guidelines have left the F.B.I. powerless at a time when the nation's security is imperiled, Francis writes, they must be scrapped and the Bureau must be permitted to monitor a broad selection of targets ranging from "radical and New Left groups" to "anti-defense and anti-nuclear lobbies." Moreover, the nation's security requires the surveillance of "clergymen, students, businessmen, entertainers, labor officials, journalists and government workers [who] may engage in subversive activities without being fully aware of the extent, purpose or control of their activities." For such surveillance to be effective, Francis claims, the guidelines must give way so that the use of informers, wiretapping and surreptitious entries would once again be allowed. Francis insists that the repressive impact of this program is outweighed by the fact that "it is axiomatic that individual liberties are secondary to the requirements of national security and internal civil order."

At a symposium in Boston two months before the Denton hearings this June, Francis undertook to provide a bill of particulars that would justify the Heritage recommendations and the scrapping of the Levi guidelines. His presentation was so flawed that it made a case not for abandoning the guidelines but for strengthening them. It also illuminated the process by which facts are invented, misshapen and censored for ideological purposes. This process is perhaps best illustrated by Francis's systematic rejection of constitutional objections to intrusive surveillance practices; indeed, he treated such objections as though they justified these practices.

Putting to one side Francis's unsupported argument that the executive branch has elastic, inherent powers in the domestic security realm—a doctrine that has been rejected by the Supreme Court and that conflicts with the New Right's professed devotion to decentralization—and his unjustified complaint about the impact of the Levi guidelines on the F.B.I.'s intelligence caseload, there is still his charge that the guidelines prevent the investigation of "an entire range of groups that are engaged in what most Americans would regard as extremist or subversive or potentially dangerous activities. . . . When the F.B.I. was investigating these and other groups prior to 1976 . . . there was a very broad and strong consensus that they should be doing so. I personally believe that the F.B.I. should continue to do so for the simple reason that such extremist groups have a very serious potential for breeding terrorist groups, for cooperating with terrorists and engaging in illegal activities and for having questionable if not actually treasonable relations with hostile foreign powers." In short, let's not bother with the constitutional requirements that limit the targets of investigation. And why worry about such details as whether or not the activities of a group might violate a Federal interest, the precondition for F.B.I. involvement?

The linchpin of Francis's case is terrorism, a commodity which, though in great demand among the intelligence revisionists, is in terribly short supply. Francis cites statistics showing that there were thirteen more alleged terrorist incidents in 1981 than there were in 1980, when twenty-nine were reported. But he suppresses the fact that most of the "bombing incidents," as they are listed by the F.B.I., are isolated events, not to be compared with the ideologically motivated terrorism prevalent in Europe today. Moreover, he neglects to mention that the number of bombings from 1975 to 1980 was much higher, indicating that the trend is now downward. As F.B.I. director Webster noted in 1981, "The number of domestic acts of terrorism had sharply declined in recent years." Similarly, last February, Lee Colwell, executive assistant director of the F.B.I., told Denton's subcommittee that "there has been a decline in terrorist acts in the United States in the past three years." And a Federal Task Force on Disorder and Terrorism concluded in 1976 that "conditions in the United States do not seem to indicate a massive expansion of terroristic activity."

In his speech, Francis also condemns the Levi guidelines on what he calls "Catch-22" grounds: "The FBI cannot investigate unless it suspects violence. But how can it suspect violence unless it has investigated?" Why, he indignantly protests, an agent "cannot even read [a group's] publicly available newspapers and circulars." (Actually, the 1976 guidelines authorize broad preliminary investigations on the basis of "allegations or other information.") Moreover, he protests, the F.B.I. is shackled in another area: it is barred from investigating the support groups, the infrastructure of the terrorist network. As Francis points out, it was Mao Zedong who reminded us that the terrorist or the guerrilla "needs a supportive environment without which he will suffocate."

What Francis urges is freeing the F.B.I. to penetrate organizations at will. For how can a putative support group be identified without a preliminary investigation to determine whether it is a toadstool or a mushroom? Here, as elsewhere, the police-state implications of such vacuum-cleaner procedures escape Francis's consideration. Nor does he mention the indirect consequences to the government of its investigation of the alleged support network of the Weather Underground. After a jury convicted Felt and Miller for authorizing break-ins (before the current guidelines went into effect) at the homes and offices of suspected Weather Underground supporters, the government agreed, in an out-of-court settlement of another case, to pay damages of $10,000 to each of five persons who had been burglarized and wiretapped.

Francis wants us to believe that a continuum running from dissent to violence exists in American political life and that penetration of dissenting groups is necessary to prevent the violence. He ignores what students of political violence have long known—that violence-prone or terrorist groups have for almost a century and a half conflicted ideologically with nonviolent groups, even when they share the same goals. Francis's belief that stepped-up surveillance can prevent violence has been refuted by the F.B.I. itself, as I will show later. For now, it is sufficient to ask why the champions of a preventive ("proactive" in intelligence lingo) response in the constitutionally sensitive area of political ex-

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The Surface Contingent

A recent finding at the General Motors Research Laboratories has changed scientific thinking about the behavior of electrons in metal surfaces. This discovery provides a greater understanding of the fundamental physical processes involved in such surface events as adhesion, corrosion and catalysis.

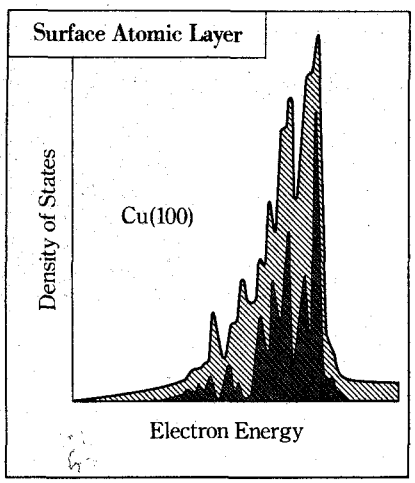
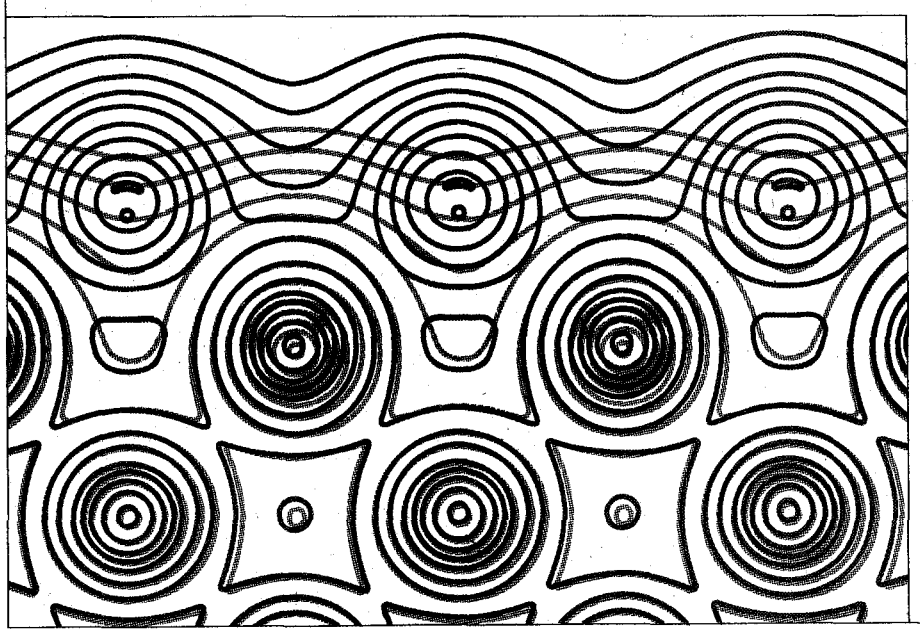


Figure 1: Energy distribution of electrons in outermost atomic layer. Shaded area indicates electrons in surface states.

Figure 2: Two electron density contour maps of the cross-section of a Cu(100) surface. One map shows a clean copper surface (lt. gray); the other shows a nitrogen-covered copper surface (dk. gray).



CONVENTIONAL scientific thought treats virtually all of the valence electrons found in the surface atomic layer of a metal as if they are free to roam throughout the metal's interior. The work of three physicists at the General Motors Research Laboratories suggests otherwise. Through calculations confirmed by experimental data, the theorists have shown that more than a quarter of the valence electrons in the top atomic layer of some metals are effectively trapped in the surface. The presence of so many "surface state" electrons must be considered when analyzing physical and chemical surface phenomena, including such surface events as oxidation leading to corrosion.

Drs. John Smith, Jack Gay and Frank Arlinghaus applied their theoretical analysis to the (100) surface of five metals: copper, nickel, silver, rhodium and palladium. They made bold predictions concerning the percentage of electrons in the surface atomic layer to be found in surface states: Cu(36%), Ni(23%), Ag(23%), Rh(23%) and Pd(19%). The ratio of the shaded area to the hatched area of figure 1 gives the percentage for copper.

Electrons in surface states are not only abundant, but also highly localized on the surface. Chemisorption on a metal is also confined to the surface region. Figure 2 shows what happens in the case of nitrogen chemisorbed on copper. The two contour maps coincide except in the surface layer, where the interaction is largely exhibited. Localization of the interaction holds for the chemisorption of other gases, including oxygen in the initial stage of metal oxidation. These observations led the physicists to conclude that surface states are important in chemisorption.

One way to probe electrons in surfaces is to chemisorb atoms on a clean metal surface and look for changes in photoemission spectra. Such an experiment was performed at GM for fractional monolayers of nitrogen, oxygen and sulfur on Cu(100). The dominant change in the photoemission spectrum was the disappearance of a large peak whose shape and

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energy location was independent of the chemisorbed atom. It was of special interest that the shape and energy location of this peak was nearly identical to the envelope around the surface state peaks in figure 1. This suggests that surface state electrons play a major role in the chemisorption process.

THE THEORETICAL advance at the heart of the discovery is the "Self-Consistent Local Orbital (SCLO) Method" for solving the Schrödinger equation. This new mathematical method was devised by the GM theorists to handle the classic dilemma posed by the self-consistency requirement. The characterization of electron behavior used to complete the equation must be consistent with the behavior predicted by the equation. In other words, one almost needs to know the answer in order to make the calculation.

Self-consistent solution of the equation for a metal surface is made exceedingly difficult by the three-dimensional nature of the electron density distribution. The theorists dealt with this challenge successfully by dividing the electron density distribution into two parts—the first part due to overlapping atomic density distributions; the second part equaling the difference between this atomic contribution and the exact density distribution.

One of the more stringent tests of the accuracy of the SCLO method was an angular photoemission experiment conducted by Heimann et al., at the University of Munich subsequent to publication of the GM research. The German research team confirmed a prominent surface state band predicted by the three GM physicists. This was the first time a surface state band or a solid had been calculated prior to its being seen experimentally. The SCLO method makes possible something that could not be done before—accurate prediction of the actual behavior of electrons whirling around nuclei at the surface of a metal.

"The large body of surface states we found on metal surfaces," says Dr. Smith, "may be a controlling factor in many physical and chemical surface phenomena. By replacing conjecture with calculation, the new surface theoretical methods give us the means to make major steps forward in the analysis of surface and interface properties."

THE MEN BEHIND THE WORK

Drs. Smith, Gay and Arlinghaus are theorists in the Physics Department at the General Motors Research Laboratories.

John Smith (center) and Jack Gay (right) received doctorates in physics; Smith from Ohio State University and Gay from the University of Florida. Frank Arlinghaus received his Ph.D. in physical chemistry from the Massachusetts Institute of Technology.

John Smith, leader of the GM solid state physics group, did postdoctoral work at the University of California in La Jolla. He joined General Motors in 1972. Frank Arlinghaus and Jack Gay joined the corporation in 1964 and 1965, respectively.

Each member of the team brings to the project a different expertise: Smith in surface physics, Gay in solid state theory, and Arlinghaus in bulk band structure calculations.

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pression are so willing to ignore the fact that this response has failed to check conventional crime.

Francis's eagerness to blame the guidelines for a phantom reign of terror leads him down strange paths. Take his contention that the 1980 arrest of several members of the Puerto Rican independence group Fuerzas Armadas de Liberación Nacional (F.A.L.N.) as a result of a tip by an alert Chicago resident demonstrated the helplessness of the Bureau when operating under the guidelines. Doesn't Francis know that the Bureau kept the F.A.L.N. under just as close surveillance after the new guidelines were promulgated as it did before? The experience of law-enforcement agencies is that most terrorist groups are virtually impenetrable by informers or by wiretaps and other techniques because security precautions are second nature to them. Has Francis slipped on a banana peel or has ideology again triumphed over reality?

But we must tarry no longer. On to the six "serious terrorist incidents" he cites in his speech "that could have been entirely prevented in all probability if adequate intelligence gathering had been permitted or continued." My favorite among the "six preventables" is the attempted assassination of President Reagan by John Hinckley in March 1981. Hinckley was a hanger-on of the National Socialist Party in 1978 but was refused membership the next year because he was regarded as unstable and suspected of being an F.B.I. informer. Francis insists that if the Bureau had not been operating under restraints, it would have tracked Hinckley during the two years after his rejection by the Nazis and "in all probability" would have prevented his attack on Reagan.

Never mind that the Bureau has not, even in its most unrestrained days, physically tracked members—let alone sympathizers and groupies—of targeted organizations. Never mind that Hinckley belongs to the familiar breed of loner assassins whose pathological narcissism conceals their sick fantasies from the world, and that both the Bureau and the Secret Service have acknowledged that it would be impossible to keep track of every potential assassin. And how could Francis's scenario apply to Hinckley, who impulsively decided to shoot Reagan after reading a press account of the President's itinerary? Francis's prevention pitch is particularly unconvincing in view of the Bureau's failure to forestall would-be assassins Arthur Bremer and Sara Jane Moore (herself an F.B.I. informer) and assassin Lee Harvey Oswald, all of whom were under surveillance before they made their moves. (Presumably because it would not help the case he is making that the F.B.I. is hobbled, Francis does not mention Hinckley's arrest, unreported by the F.B.I. to the Secret Service, at the Nashville airport on October 9, 1980. He was stalking President Carter at the time and was carrying three handguns and fifty rounds of ammunition.)

Predictably, Francis cites the attempted Brink's robbery and the murders of a Brink's guard and two police officers in Nyack last October as further proof of the damaging effect of the guidelines on domestic security investigations. We are told that one of the vehicles used in the crime was traced to a member of an umbrella group, the May 19 Communist Organization, and that one of the Brink's participants was a May 19 member. But again Francis abandons reality. The fact is that two of the May 19 Organization's units, the Weather Underground and the Black Liberation Army, and several individual members as well were under intensive surveillance. Indeed, a number of the participants in the crime were fugitives and therefore targets of serious tracking efforts. Once more, Francis falsely attributes the Bureau's inability to circumvent a group's security precautions to external restraints.

In his next "preventable," Francis makes the baffling claim that those miserable guidelines *almost* made possible the commission of a serious crime by forcing the withdrawal in 1978 of an F.B.I. informer from the Maryland Ku Klux Klan, which was planning to bomb a Baltimore synagogue. Luckily, he says, there was a second informer planted by the state police, who were operating under more permissive guidelines. But from Francis's garbled account, one would never know that the second informant—actually a Maryland State Police undercover agent—had been the Bureau's primary Klan source from the very beginning of its investigation.

Francis strikes out again when he claims that if surveillance by the Washington, D.C., police of the Hanafi Muslims had not ended, serious crimes might have been prevented. Here's what actually happened: In 1973, seven members of the Hanafi sect in Washington were murdered in a cult feud. At that time the group was under close surveillance and had been heavily infiltrated. In 1974, in response to widespread criticism of the police department's excessive surveillance of political groups, the investigation of the Hanafis was ended. A report issued by the department in 1975 supported the charges of excessive surveillance, pointing out that the files on local civil rights and antiwar groups "contained much material . . . which did not prove relevant to subsequent police investigations." In the spring of 1977, the Hanafis held 134 hostages at three sites in downtown Washington for two days in an attempt to force D.C. authorities to turn over to them the murderers from the 1973 incident and three Hanafis who had been convicted of the murder of Malcolm X. Without bothering to explain what these local events have to do with the F.B.I. guidelines, Francis insists ("almost certain in my mind") that the 1977 hostage-taking could have been prevented by adequate surveillance. He neglects to explain, however, why the use of informers would have been more effective in 1977 than it was in 1973, or how the F.B.I. could have legally taken jurisdiction in the case. Rather, he contents himself with the assurance that because of the group's small size, its plans were readily accessible to informers. But if there is one thing about which we can be "almost certain," it is that the smaller the group, the tighter the security and the more difficult the access.

Also "preventable," according to Francis, were the Zebra killings in San Francisco in 1973 and 1974—the random murders of twelve whites by members of a Black Muslim sect. Here again Francis drags in by the ears a local case to bolster an attack on Federal guidelines. He tells us that the San Francisco Police Department suspected that murders were being planned but was restrained by local guidelines

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from investigating religious groups. The fact is that the free-floating style of this small, self-contained operation and its secrecy and heavy security immunized it from infiltration. It was ultimately brought down by a defector.

Finally, did you know that the Jonestown mass suicides and killings could have been prevented by timely surveillance? Once again Francis rigs the facts, ignores the applicable legal norms and retroactively enlarges Federal jurisdiction—the third time he has used this ploy in his six "preventables." Jim Jones and his followers left San Francisco for Guyana in June 1977, seventeen months before the mass suicides occurred.

From 1975 to 1977, Jones received numerous awards and honors. In August 1977, two months after he left for Guyana with his followers in the wake of a *New West* magazine exposé, the San Francisco District Attorney's office investigated the past activities of the Peoples Temple but found no legal violations. Similarly, in the spring and summer of 1977, the Department of Justice concluded, after a preliminary probe by the F.B.I., that the complaints it had received against a number of religious sects, including the Peoples Temple, did not support full investigation or prosecution because the alleged abuses did not violate Federal law and because of the threat to religious freedom.

In stating his case on the Peoples Temple, Francis wants us to believe that the use of informers, wiretapping or other surveillance practices could have prevented the mass suicides. Instead, I would argue that Jones's paranoid messianism was fed by the delusion that he was being spied on and oppressed by such agencies as the F.B.I. and the C.I.A. The discovery that his suspicions were correct might have precipitated the tragedy even earlier.

There *are* shortcomings in the guidelines: they are too vague and too broad and, most important, they permit domestic intelligence investigations to be transferred to the foreign-related counterintelligence category—where the standards are more permissive—simply by switching file labels and classifications. Be that as it may, Francis ought to renounce his muddled jousting with reality and return to a cloistered contemplation of the Earl of Clarendon or some other subject that would cool his ideological passions and better suit his talents. Who knows, he might even find time to repair his ignorance of the Constitution.

It is important to remind the Denton subcommittee and the Justice Department's guidelines drafting unit of the changes that have taken place in the country since the 1976 guidelines were adopted. "National security" can no longer be used as an all-purpose cover for domestic intelligence activities. The findings of the Church and other committees, the Watergate scandals and, yes, hostile public opinion have exposed this relic of the repressive past as little more than a hoax. More important, a series of court opinions (not to mention denials of government dismissal motions, discovery proceedings, criminal charges and convictions, civil suits and court-ordered settlements in which government defendants admit wrongdoings) have made regrouping under this tattered banner a risky business. And the argument that surveillance is justified because it helps prevent crime and violence is questionable in view of the Church committee's and the G.A.O.'s figures showing the dismal results of decades of infiltration, wiretapping and other kinds of monitoring. Indeed, in 1976 the F.B.I. was unable to supply evidence either to the G.A.O. or to the Church committee that it had prevented violence in a single political surveillance case. Finally, it is hard to see how long-term surveillance of nonviolent groups can be resumed, since the Privacy Act bars recordkeeping of activities protected by the First Amendment unless it is "within the scope of an authorized law enforcement activity."

History tells us that Americans, yielding to their fears, periodically sanction or acquiesce in serious invasions of their freedoms and then, in a ritual of expiation, fill the air with loud *mea culpas* and resolve to sin no more. With the passage of time, social amnesia sets in and a new menace (Aristotle's "invented terror") is exploited by politicians to trigger a fresh cycle of repression. It would be premature to say that the pendulum has swung back to repression. But it would be foolhardy to deny the usefulness of a new inquisition to an Administration threatened by economic and

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political unrest and eager to appease its fringe constituencies. F.B.I. director Webster assured Senator East that he would be "pretty much pleased" with the thrust of the Bureau's proposed guidelines, which will soon be issued under executive authority and which will be released to the subcommittee for a promised run-through. But that assurance seems to forecast trouble ahead. Webster's guidelines will probably also be examined by Representative Don Edwards's Subcommittee on Civil and Constitutional Rights, where a more critical scrutiny can be expected. In the meantime, the Congressional reluctance to enact F.B.I. charter legislation and to confront the abuses disclosed by a chain of investigations dramatizes the grip of the subversive myth on our political life. □

EXCHANGE.

(*Continued From Page 98*)

unarmed sympathizers with the enemy cause should be added to the Order of Battle. Westmoreland did not object to attempts to quantify such support, but he correctly resisted counting them as fighting troops. In no case did he insist on "dropping these figures from estimates" as CBS and FitzGerald insist.

As for the infiltration figures on which the conspiracy advocates hang the rest of their theories, there never was a dispute. The record is clear and reflects no attempt to conceal a high rate in January 1968. (The 20,000 figure reflected more an invasion than infiltration since it involved mostly full divisions moved from North Vietnam south to attack Khe Sanh.) This alleged "cover-up" by Westmoreland would have been impossible, since the basic information came from the National Security Agency in Washington, D.C., which reported its evidence independently of Westmoreland's command in Vietnam. . . .

When unexpectedly challenged by Wallace ("prosecuting attorney" for CBS) on infiltration figures, Westmoreland was unable to recall what had been reported so long ago and made some erroneous guesses. He subsequently checked the records and informed Wallace and Crile of the correct figures. To the discredit of CBS, it chose to air mistaken statements rather than the truth.

All in all, the CBS documentary is not a critique of the Vietnam War, "a major investigative effort" or "an important addition to the still unwritten history of the Vietnam War," as FitzGerald insists. It is at best sorry journalism, as *TV Guide* has pointed out; at worst it is malicious slander that a court of justice should point out.

Daniel O. Graham
Lieut. Gen. (Ret.)

FITZGERALD REPLIES

New York City

Don Kowet is right to correct me on one point: Gen. Joseph McChristian's successor as chief of intelligence was Gen. Phillip Davidson, not Lieut. Col. Daniel Graham. The error is mine, not CBS's. Kowet says that CBS did not interview Davidson, and this is also the case. (The CBS producers were informed he was ill.) But there were many people in Saigon whom CBS did not interview—Bob Komer and Bob Hope to name two. Kowet does not tell us why CBS's failure to interview Davidson was a "serious journalistic lapse." Has Davidson evidence to challenge the assertions made by the other military intelligence officers? If he has, Kowet should tell us what it is.

CBS did, however, interview Graham, the chief of estimates in Saigon (and who as it happened arrived in Saigon around the time McChristian left—thus my mistake). This was logical, since the show was about estimates of enemy strength, and Graham in his interview took responsibility for them. (Gen. William Westmoreland also thought he was the right person to interview, and apparently still thinks so since he has given Graham the task of responding to my piece.) Graham did challenge the assertions of the other intelligence officers, and CBS included that challenge in the show. CBS also interviewed Col. Charles Morris some weeks before the show was aired; what they got from him was simply a confirmation of Col. Russell Cooley's testimony about the infiltration figures—that is, further evidence that the figures were cooked.

Neither in his piece nor in his letter does Kowet give any evidence to support his charge that the CBS show was a "smear." Since the charge is a serious one, this in my view constitutes something more serious than a "lapse" of journalism.

Daniel Graham's response to my article gives a new dimension to the word "stonewalling," for it does not so much as address the charges made against him and against Gen. Westmoreland. These charges were not initially made by me or by CBS but by some ten military intelligence officers serving under Westmoreland in 1967-68. These officers include Gen. McChristian, the chief of intelligence at MACV until mid-1967, and Col. Gains Hawkins, the officer responsible for the Order of Battle estimates.

One of these charges was that the command at MACV suppressed the real figures on enemy infiltration in the last four months of 1967. Graham avoids this subject completely, focusing instead on the January 1968 figures, over which there is indeed no dispute. Walt Rostow himself wrote, in a memorandum to George Crile after the broadcast, that the "invasion" took place in the autumn of 1967. But there is no report of this invasion in MACV records.

Graham writes that there is "ample documentary evidence that the C.I.A agreed with military intelligence on strength figures throughout the war." This is nonsense. Everyone in the intelligence community knew about the Order of Battle debate between the two agencies. In February this year Rostow wrote *The New York Times* that "President Johnson was fully aware of the order-of-battle debate" and that at his suggestion Gen. Earle Wheeler, chairman of the Joint Chiefs, ordered an effort to reconcile the two estimates—this in mid-1967. George Carver referred to this debate at the press conference called by Westmoreland in response to the broadcast—a conference at which Graham spoke. Carver did not then ascribe the debate to Samuel Adams alone for the excellent reason that he himself had participated in it at various times in 1967-68. He would not tell such an egregious untruth. That there was a C.I.A.-MACV debate is not a charge but simply a fact. The charge made by the military intelligence officers interviewed by CBS was that the debate existed inside MACV as well—and that Graham and Westmoreland suppressed the evidence of their own analysts. But Graham chooses to ignore the whole subject.

If the Kowet and Graham responses contain all the evidence against the charges made on CBS, the only conclusion we can draw is that the charges were true.

Frances FitzGerald

ADAMS REPLIES

Leesburg, Va.

Daniel Graham says my story keeps collapsing. He says that it first "collapsed" at the Ellsberg trial, where in 1973 I testified under oath for the defense for four days. Perhaps Graham needs reminding that the judge threw the government's case out of court, and that when the jurors were later privately polled, most indicated they would have voted for acquittal. He says a second "collapse" occurred at the Otis Pike committee hearings in late 1975, where both Graham and I testified about intelligence efforts concerning the Tet offensive. The committee later issued a report that basically agreed with my charges.

A key difference between Graham and myself is that I have told my story under oath and he hasn't. It would be interesting to hear what the General might say while subject to the laws of perjury.

Samuel A. Adams

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BOOKS & THE ARTS.

Expelling Huck Finn

MICHAEL PATRICK HEARN

"All modern American literature comes from one book by Mark Twain called *Huckleberry Finn*," said Hemingway. "There was nothing before it. There has been nothing as good since." This opinion is now being challenged in the classrooms of Davenport, Iowa; Warrington, Pennsylvania; Houston, Texas; Montgomery County, Maryland; and in the courts as well. The loudest condemnation of *Huckleberry Finn* has come from something called the Human Relations Committee of Mark Twain Intermediate School in Fairfax County, Virginia. According to a spokesman for the racially balanced group, which demanded the removal of the book from the school's curriculum, *Huckleberry Finn* "is poison. It is anti-American; it works against the melting pot theory of our country; it works against the 14th Amendment of the Constitution and against the Preamble that guarantees all men life, liberty and the pursuit of happiness." Wow! Is it possible that the *Huckleberry Finn* taught in Fairfax County is the same *Huckleberry Finn* that describes how a poor white boy befriends a runaway slave in his flight down the Mississippi?

The current controversy is a perfect example of how one can read a book and not really *read* the book. Anyone who labels *Huckleberry Finn* "racist trash" does not recognize that the principal purpose of the novel was to describe an ignorant 14-year-old boy's awakening to the injustices of slavery. No work of American literature exposes the corruption of the "peculiar institution" more eloquently than does Mark Twain's novel. Twain courageously described the slave system as it was, introducing all the stupidities and sad prejudices of its ideology. Yes, Huck does use the word "nigger." He is a child of his time; one can hardly expect him to refer to slaves as "Afro-Americans."

Twain chose as his hero the lowest of the low: Huck Finn is poor white trash, the son of the town drunkard, and he has been reared in Missouri, a slave state—as was Twain himself. "In my schoolboy days," Twain confessed in his *Autobiography*, "I had no aversion to slavery. I was not aware that there was anything wrong about it. No one arraigned it in my hearing; the local papers said nothing against it; the local pulpit taught us that God approved it . . . if the slaves themselves had an aversion to slavery they were wise and said nothing." Twain was a reformed Southerner, and in *Huckleberry Finn* he expressed his shame for the way his race had treated another. "Human beings *can* be awful cruel to one another," says Huck.

What redeems the boy is his good heart. Twain once described the chief conflict in the novel as that in which "a sound heart and a deformed conscience come into collision and conscience suffers defeat." For Twain, the conscience is the repository of society's rules and prejudices. What Huck suffers throughout his travels with Jim down the Mississippi is the moral conflict between the teachings of slave society and the workings of his own better nature. Fate has thrown the two fugitives together. Huck has escaped from his drunken father and Jim from his owner, who wants to sell him South, and the two conspire to flee together by raft. Most likely the poor white would have had little to do with the slave back in St. Petersburg, Missouri, but out in the wilderness Huck needs Jim, who proves to be an able protector, skilled in the ways of the wilderness, and a true friend.

The raft is the great equalizer: each learns to depend on the other. As Huck admits, "You want, above all things, on a raft, is for everybody to be satisfied, and feel right and kind towards the others." Slowly (and sometimes painfully) the boy realizes the humanity and dignity of his companion. The harmony on the river is disrupted only when the fugitives encounter civilization. To others, Jim is just a piece of property; they want to capture him, to chain him up, to sell him. Huck quickly learns to lie, cheat and steal to protect his friend.

Why should this poor white risk everything to help a runaway slave? Huck cannot go home again; he would be labeled a "nigger-stealer," considered by some at the time to be worse than a murderer. In his flight with Jim, Huck denies everything—his people, his country, his God. Finally, to protect himself when Jim is captured, Huck tries to write to Jim's owner and confess all. But he cannot mail the letter. He can think only of "Jim before me, all the time, in the day, and the night-time, sometimes moonlight, sometimes storms, and we afloating along, talking, and singing, and laughing. But somehow I couldn't seem to strike no places to harden me against him, but only the other kind. I'd see him . . . always call me honey, and pet me, and do everything he could think of for me, and how good he always was. . . ." What child, black or white, however hardened by its parents' prejudices, can remain unmoved by Huck's affection for Jim? Huck is Jim's only friend; Jim is Huck's only friend. Huck tears up the letter. He must free Jim. At least this boy believes that there are laws greater than men's laws. Like Dr. Martin Luther King Jr., Huck concludes that if a law be unjust, one has the right to break it. If Huck Finn is a racist, then God help the country.

Because of the recent public outcry, Fairfax County has ruled that *Huckleberry Finn* may be taught, but only with "appropriate planning." One wonders how it must have been presented before this ruling. The problem is the teaching, not the novel. How could anyone assign the book and not place it within its proper historical context? Should any class fail to discuss the humanity of Mark Twain's novel, then the school board should keep *Huckleberry Finn* and chuck the teacher. □

Michael Patrick Hearn's most recent book is The Annotated Huckleberry Finn *(Clarkson N. Potter Inc.).*

COMING SOON

Frederick Turner on
The New Orleans Jazz and
Heritage Festival

Jacqueline Jones on
Housework

Richard Howard on
Junichiro Tanizaki

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Exploring the Ruins

ROBERT B. SHAW

THIS JOURNEY. *By James Wright. Random House. 91 pp. $10.50. Paper (Vintage) $5.95.*

A posthumous book of poems makes poignant reading, even when it merely rounds off a career. James Wright's final poems are a substantial addition to his achievement, not a mere rounding off; and they have something more than poignancy to offer. They include, for example, this useful advice, in the poem that gives the book its title:

> The secret
> Of this journey is to let the wind
> Blow its dust all over your body,
> To let it go on blowing, to step lightly, lightly
> All the way through your ruins, and not to lose
> Any sleep over the dead, who surely
> Will bury their own, don't worry.

To step lightly was what this poet had consummately schooled himself to do by the time he wrote those words. He had become a master of tonal shifts, as here, where the hushed intentness of the instructions takes on strength from the tartness of the last two lines. Exploring the ruins was from first to last Wright's preoccupation, but it took him a long time to find a style adequately alert to the effort.

Wright's stylistic odyssey is paradigmatic for his generation of American poets. His first two books, *The Green Wall* (1957) and *Saint Judas* (1959), are the work of a 1950s formalist chafing against formal disciplines. Strained, high-flown diction only occasionally relaxes, as though with a sigh of relief, into the plainness of everyday speech. The syntax is extended, convoluted—a snare in which the poet thrashes, gamely but helplessly. More than once the reader may have the disconcerting experience of coming to the bottom of a page and thinking a poem is over, only to turn the page and discover another two or three stanzas yet to go. The movement of such poems is like the galvanism that keeps a corpse's limbs twitching for some moments after the last breath has been drawn.

Robert B. Shaw teaches in the English department at Yale. His book of poems is Comforting the Wilderness *(Wesleyan).*

The milieu of these early poems—the industrial wasteland of southern Ohio, where Wright was born in 1927 and where he grew up during the Depression—is incongruous with the mandarin style they employ. Wright's wasteland, like Eliot's, features a once beautiful river polluted by human rapacity. But Wright's cast of characters is as quintessentially American as Eliot's is cosmopolitan. His small-town whores, ne'er-do-wells, drunks and wage slaves in mines and mills are belated versions of those portrayed by poets like Edgar Lee Masters and Edwin Arlington Robinson. The great difference is in point of view. Robinson, who certainly provided one model for Wright's intricate stanzas, scanned his characters from a clinical distance, rehearsing their disasters with a tone of stoic irony. Irony is not a tone Wright often reaches for; when he does, it eludes his grasp. In poem after poem he seeks imaginative identification with outcasts: a murderer awaiting execution, an escapee from a mental home, a deaf child, a dead prostitute. He is obsessed with the sufferings of victims, with his own sufferings and with the guilt of having suffered less than others he has known. It is the obsessiveness of feeling in the poems, just as much as their mechanically elaborate rhetoric, which often prolongs them beyond their natural span into exhausted anticlimax. In all manner of ways, the early Wright was overwrought.

Having grown disillusioned with his awkward and faltering devices, Wright looked outside his own literary tradition. Like a number of other poets near him in age—Bly, Merwin, Kinnell—he found a new voice through translating foreign poets and adapting some aspects of their styles. For Wright the new models included Trakl, Neruda and Vallejo, all of whom he translated, as well as certain Chinese poets to whom he paid a more remote yet discernible homage.

The Branch Will Not Break (1963) exhibited the new approach, which governed his work from then on. It is hard to recall how startling these poems were when they first appeared, so thoroughly have their once venturous strategies been assimilated over the last twenty years. Wright's near-abandonment of rhyme and meter was bound to make a difference, but a more striking innovation in these poems is his use of language as a seemingly immediate transmitter of perception. His words no longer smother what they seek to describe; they depict objects with the entranced accuracy of Chinese painting. And in a way which seemed jarring to some of the first readers of these poems, Wright often abruptly couples passages of calm, objective description with expressions of feeling that may or may not have an evident link to the scene. Thus, the anthology piece "Lying in a Hammock at William Duffy's Farm in Pine Island, Minnesota" sketches with swift, delicate strokes "the bronze butterfly / Asleep on the black trunk" and pauses over other features of the poet's surroundings—cowbells, pines, a "field of sunlight" in which "droppings of last year's horses / Blaze up into golden stones"—before proceeding to its mild jolt of an ending:

> I lean back, as the evening darkens and comes on.
> A chicken hawk floats over, looking for home.
> I have wasted my life.

One's reaction to these lines is a test of one's taste for the later Wright. If one thinks the last line a self-indulgent non sequitur, one will not get far with this poetry. But if one appreciates the threads of intuition, at once as tenuous and as strong as a spider's web, which hold imagery and statement together, one will find much to admire in Wright's later books.

Sometimes even a fan may feel the new method misfires. Wright is capable of a tone of faux naïveté that is cloying in large doses. And his experimentalism occasionally has about it that wide-eyed American spit-and-rubberband quality, the self-applause of an auto mechanic seeking a patent on the wheel. But his successes outnumber his lapses.

He never stopped writing about the American Gothic dinginess of Martins Ferry, Ohio; but he managed in time to master his emotions in dealing with his past, subduing them to the rule of a contemplative spirit. He aspired, in Stevens's phrase, to write "profound poetry of the poor and of the dead." This he did, on more than one occasion. And yet it is not so much in these laments that his most lasting work appears as in his steady views of the enduring forms of nature that provide a serene backdrop for human perturbation. By drawing together the lasting and transient aspects of existence,

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Wright achieved an elegiac tone as complex as Hardy's. As his voice gained in flexibility, his settings took on variety. To his stark vignettes of the Midwest he added others of landscapes far afield. A great many of the poems in *This Journey*, as in his previous volume, *To a Blossoming Pear Tree* (1977), come out of Wright's travels in Europe. They eloquently continue the line in American literature that seeks to come to terms imaginatively with the old world. Perhaps surprisingly, what comes through most vividly is the poet's sense of being at home. The stone vestal in the Forum, her shoulders "pitted by winter," turns on him a familiar face: "she seems to change from stone to something/Frail, to someone I can know, someone/I can almost name." In the Temple of Diana at Nîmes, the centuries crumble as Wright gracefully conjures up the first worshipers:

> For here surely the young women of Gaul
> Glanced back thoughtfully over their
> bare
> White shoulders and hurried away
> Out of sight and then rose, reappearing
> As vines and the pale inner hands of
> sycamores
> In the green places.
> ("Entering the Temple in Nîmes")

As in some of his better earlier poems, Wright's eye for the living things we share the earth with is respectfully exact and usually unsentimental. "A Finch Sitting Out a Windstorm" is "Solemnly irritated by the turn/The cold air steals," displaying a face "as battered/ As Carmen Basilio's." Among the finer pieces are those about a butterfly fish, a moray eel and, my favorite, "Lightning Bugs Asleep in the Afternoon," which describes the "fluttering jewels . . . trying to get/Some sleep in a dry shade beneath the cement/Joists of the railroad trestle," and ends:

> I think I am going to leave them folded
> And sleeping in their slight gray wings.
> I think I am going to climb back down
> And open my eyes and shine.

Wright's awareness of approaching death can be discerned in these poems—not in any cadaverous quality but rather in a heightened sensitivity to the pulse of vitality everywhere around him. In "Among Sunflowers," which offers a beautiful gloss on Blake's famous lyric, he concludes, "Any creature would be a fool to take the sun lightly,/The indifferent god of brief life, the/Small mercy."

Two words that turn up time and again in these poems are especially suggestive of the nature of Wright's last phase; they are "light" and "gather." He had come to see life as both radiant and fragile: "light" in both senses. And without renouncing the local and tragic themes he began with, he made it his final business to integrate, to "gather," a wider range of scenes and tones than many poets master in longer careers. This last book gives the lie to his most famous line: his life was not wasted. □

Are Courts Corrupt?

DAVID BRUCK

THE BEST DEFENSE. *By Alan M. Dershowitz. Random House. 425 pp. $16.95.*

"A conspiracy of silence shrouds the American justice system," warns Harvard law professor, civil libertarian and criminal defense attorney Alan M. Dershowitz. Those who know the dark underside of the legal profession won't or can't talk about it, while those who can talk—law professors and journalists—don't know. This state of affairs, Dershowitz explains at the start of his book of courtroom reminiscences, *The Best Defense*, "has deprived the public of a realistic assessment of the American justice system."

The book Dershowitz offers as a remedy is a collection of his experiences in a dozen or so cases that he's handled over the past decade. Among his more notable clients:

- A young Jewish Defense League member from Dershowitz's home neighborhood of Boro Park, Brooklyn, whom the government had double-crossed while using him to solve a terrorist bombing and murder;
- Rabbi Bernard Bergman, the rich and widely despised owner of dozens of substandard New York City nursing homes;
- *Deep Throat* star Harry Reems, pursued by a Federal prosecutor in Tennessee on the basis of a Draconian application of the conspiracy laws;
- A Maoist professor of English, fired by Stanford University for incendiary speeches and general obnoxiousness;
- Former C.I.A. agent Frank Snepp, who was forced to give the government all the profits from his book criticizing the withdrawal of U.S. troops from Vietnam because he'd breached a promise to submit the manuscript to the agency for approval;
- Soviet Jewish dissident Anatoly Shcharansky, sentenced to thirteen years' imprisonment on trumped-up charges after a trial that his international defense team—which included Dershowitz—was not even permitted to attend;
- Two Arizona teen-agers sentenced to die in the gas chamber for murders that had been committed by their father;
- New York criminal defense attorney Edmund Rosner, whose bribery trial was dealt with in the film *Prince of the City*.

The book also contains shorter episodes: Dershowitz helping to plan the judicial assault on capital punishment as Supreme Court Justice Arthur Goldberg's law clerk in the early 1960s; Dershowitz defending the rights of nude bathers at a fashionable Cape Cod beach; Dershowitz unraveling the macabre legal brainteaser of whether shooting a corpse can be punished as attempted murder; Dershowitz defending the First Amendment against anti-pornography feminists and antiracist university liberals; Dershowitz securing the release of a young woman who'd been wrongly committed to a mental hospital; and so on.

All of which provides interesting and occasionally even gripping reading. In the Jewish Defense League case, the key police witness casually denied having made any promises to Dershowitz's client, only to discover during Dershowitz's cross-examination that the client had recorded their conversations. The ensuing mental duel between witness and lawyer—which culminated in Dershowitz's bluffing the witness into admitting an all-important promise that wasn't on tape and could not have otherwise been proven—is a classic, vicarious revenge for every lawyer who's ever had to cross-examine a lying cop. Dershowitz's account of Anatoly

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Shcharansky's ordeal is a moving description of a courageous man caught in the legal process of a lawless society, and is a useful counterpoint to his description of American courts and judges.

Useful too are Dershowitz's comments on the overblown controversy concerning the "exclusionary rule," which prohibits the introduction of illegally obtained evidence in criminal trials. Warren Burger and the law-and-order lobby notwithstanding, hardly any evidence ever gets excluded, because, as Dershowitz points out, the police usually lie about how they got the evidence, and judges usually pretend to believe them.

But the "realistic assessment of the American justice system" which Dershowitz promises in his introduction is not to be found in *The Best Defense*. Dershowitz rails against the hypocrisy or incompetence of the judges who have ruled against him and his clients over the years, but readers looking for an analysis of why the courts are the way they are will have to look elsewhere.

Even as a collection of courtroom war stories, *The Best Defense* has serious problems. Dershowitz praises himself constantly, using each episode as a demonstration of his gutsiness and ingenuity. ("[F. Lee] Bailey retained me to help prepare the legal briefs in the Hearst case," begins one story. "As he told Shana Alexander, 'In a heavy case, I'm apt to send it over to Alan.' ") Dershowitz's relentless exposition of his own accomplishments, garnished with expressions of gratitude from his clients and grudging admiration from his enemies, provides the only link between these stories, and seems to be his main reason for telling them. Such high self-regard may serve him well in the courtroom, but it doesn't inspire confidence in the objectivity of his narrative. The more I read of *The Best Defense*, the more I found myself wondering how the opposing counsel might describe the same events.

There is a more intractable problem with this book. Because Dershowitz is writing about his own clients' cases, he's not ethically free to tell us what he really knows about them, or even what he really thinks. This professional loyalty does not pose much of a problem when he is describing First Amendment cases like the *Deep Throat* prosecutions or the C.I.A.'s campaign against Frank Snepp, since in such cases both sides usually agree on the facts, and the only questions are ones of principle. But in the criminal cases that form the bulk of Dershowitz's book, the facts make all the difference, and Dershowitz's inability to confront them with detachment makes analysis impossible.

Let me give an example. Dershowitz's primary charge against the American criminal justice system is not that it convicts innocent people but that it routinely bends and breaks its own rules in order to convict people who are guilty. His most elaborate illustration of this point is the *Prince of the City* case, in which Dershowitz was hired to appeal the bribery conviction of Edmund Rosner, a high-living and apparently very crooked New York criminal defense attorney. After Rosner's trial, the government admitted that its star witness, a corrupt New York City narcotics officer named Robert Leuci, had minimized his own prior misconduct while testifying against Rosner. In fact, the U.S. Attorney's office had known about several of Leuci's narcotics-related crimes before the trial but had not clued the defense, the judge or the jury in on the secret.

Dershowitz and several associates pursued this new evidence, and after considerable investigation and several dramatic courtroom confrontations, he succeeded in setting out the whole tangle of perjury and governmental concealment for the Court of Appeals. That court decided that Dershowitz had done a great job on Rosner's behalf, but that Rosner was guilty and belonged in jail. "This episode," Dershowitz confides, "persuaded me that the court of appeals was prepared to twist the law and the facts beyond all recognition to avoid reversing Rosner's conviction."

IN THE MIDDLE OF AUGUST

The dead heat rises for weeks,
Unwanted, unasked for, but suddenly,
Like the answer to a question,
A real summer shower breaks loose
In the middle of August. So think
Of trumpets and cymbals, a young girl
In a sparkling tinsel suit leading
A parade up Fifth Avenue, all
The high school drummers in the city
Banging away at once. Think of
Bottles shattering against a warehouse,
Or a bowl of apricots spilling
From a tenth-floor window: the bright
Rat-a-tat-tat on the hot pavement,
The squeal of adults scurrying
For cover like happy children.
Down the bar, someone says it's like
The night she fell asleep standing
In the bathroom of a dank tavern
And woke up shivering in an orchard
Of lemon trees at dawn, surprised
By the sudden omnipotence of yellows.
Someone else says it's like spinning
A huge wheel and winning at roulette,
Or drawing four aces and thinking:
"It's true, it's finally happening."
Look, I'm not saying that the pretty
Girl in the fairy tale really does
Let down her golden hair for all
The poor kids in the neighborhood—
Though maybe she does. But still
I'm saying something incredible;
I'm saying that a simple cloud
Bursts over the city in mid-August
And suddenly, in your lifetime,
Everyone believes in his own luck.

Edward Hirsch

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And on the basis of this case and several others like it, Dershowitz draws his larger conclusion that the American criminal justice system is pervasively dishonest and "corrupt to its core."

Well, maybe. But Dershowitz's argument here, as throughout *The Best Defense*, is premised on the notion that the determination of guilt and innocence should always take second place to the legal demands and moral concerns of the criminal justice system itself. Dershowitz's complaint is that the courts subscribe to this principle in theory while routinely violating it in practice. He's right, and the Rosner case may be as good an example as any. But I suspect that for most Americans (and particularly for that dwindling but still sizable majority who aren't lawyers), the real question is whether the principle is worth preserving. This is the principle, after all, which frees criminals on "technicalities," which prevents the murder weapon from being introduced as evidence if the police violated the murderer's privacy in securing it, which puts the rights of the defendant far above those of the victim. That this litany is a staple of right-wing rhetoric makes it no less true. It really does describe aspects of the criminal justice system when it works the way Dershowitz says it's supposed to, and the system's tacit refusal to live up to this ideal will surely not upset everyone as much as it does him. If he thinks it should, he ought to explain why.

Unfortunately, Dershowitz never gets this far. He can't, since he'd have to admit, for example, that Edmund Rosner was not an innocent man but a rich crook who was legally "entitled" to a new trial because of the government's misconduct. That's something Rosner's lawyer couldn't say even if he wanted to. But only by making such an admission could Dershowitz have confronted the important questions that *The Best Defense* avoids: If Rosner *was* guilty, why was it so important that his rights were scrupulously observed? So long as only guilty people are convicted—something which, as a general proposition, Dershowitz concedes elsewhere in his book—why should we conclude that the courts aren't doing their job? Do we uphold the supremacy of law by letting crooks off the hook? Since these are the questions the public is most interested in having answered, Dershowitz's passionately argued contention that the judicial system habitually violates its own rules in pursuit of guilty defendants seems a little beside the point.

To be sure, Dershowitz does scatter bits and pieces of a broader argument throughout *The Best Defense*, and he has tacked on a two-page conclusion which ties together his case for the indispensability to a free society of an aggressive and independent criminal-defense bar. But by far the stronger voice in this book is that of a self-absorbed special pleader for whom success and acclaim as a professional civil libertarian have displaced the objectivity which any really useful contribution to this subject demands.

At a time when growing fear of and frustration over crime is testing the vitality of our legal system, the narrowness of Dershowitz's focus is regrettable. It may be that all he intended to do in this book was to tell some good stories starring himself. But the fact is that he's taken center stage as a defender of our constitutional freedoms, and anyone who assumes that role has an obligation to try to understand his audience's concerns and to respond to them in a serious way. The firestorm of outrage that roared across the country after the John Hinckley verdict shows how fragile much of the structure of our civil liberties is. Right now, the insanity defense is the target. But there will never be a shortage of politicians ready to toss more basic constitutional rights of criminal defendants into the flames. If those basic rights—and the courts' unflinching enforcement of them—really serve to protect us all, then they deserve a more thoughtful advocacy than Alan Dershowitz has provided in *The Best Defense*. □

Delightful Debut

NORMA KLEIN

A NOVEL CALLED HERITAGE. *By Margaret Mitchell Dukore. Charles Scribner's Sons. 276 pp. $12.95.*

Writers and editors supposedly make dull protagonists for novels. Despite this, the two freshest, most delightful first novels of 1982 are about the editor-writer relationship, giving one hope that this particular adage can finally be laid to rest. Alice McDermott's *A Bigamist's Daughter* is a cynically vivacious tale of a young editor trying to keep her head above water in the sleaziest of vanity presses while having an affair with an author whose book bears an uncanny likeness to her own life. In *A Novel Called Heritage*, Margaret Mitchell Dukore offers a heroine who is every bit as engaging: ambitious, lively Anne Sarah Foster, determined, at 18, to write The Great American Novel. As she explains to the editor at a "venerable" publishing house to whom she sends the manuscript, chapter by hilarious chapter, "I have decided to do you a big favor . . . and give you guys first crack at it."

A Novel Called Heritage moves back and forth between the letters exchanged by Annie and her stuffy but likable editor, Martin Goldsmith ("in real life I have the spirit of Hugh Hefner and the looks of a young Marcus Welby"), and Annie's novel itself, an account of her childhood with a wildly kooky mother and a somewhat exhausted, womanizing drama teacher father. Although the letters are fascinating and make a novel unto themselves of Annie's "real life" involvement with her editor, an entire novel in letters might try the reader's patience. After convincing Martin to consider her work seriously, Annie accompanies each chapter with increasingly obstreperous missives intended to beg or bludgeon him into publishing her novel: "P.S. WARNING: I'll say or do anything to get famous!" Though we never see either Martin or Annie except through the letters, it is clear that he is as enchanted and bewildered by her as is the reader, as he tries to figure out how much of her overly vivid "life story" is real, how much the fancy of a hyper-imaginative adolescent.

At times we find ourselves sharing Martin's puzzlement. It's believable that Annie's mother, Kate, a would-be actress who "gives it all up" to marry Annie's father and vegetate in Oregon, would kill herself with a shotgun. But what are we to make of Annie's claim in her letters that Martin is her first lover, in light of her assertion in her novel that she lost her virginity to her mother's best friend? And, pathetic and worn out as Annie's father appears to be, would he really have murdered his mistress by klonking her on the head with a paper-

Norma Klein's latest novel is Wives and Other Women *(St. Martin's-Marek).*

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weight? Dukore is playing with the reader, but in a way that the reader can thoroughly enjoy. Trying to follow her editor's advice that "although America does buy Norman Mailer, you must not assume that people enjoy being bored," the young writer leaps from "sex, violence and insanity" to recipes for chipped beef with hardly a pause for breath. Like her mother—like most of us, in fact—Annie thinks that "life fell somewhere between a Greek tragedy and a rotten novel, but . . . she had no idea where."

Annie's novel within a novel, *Heritage*, is about the effects of heredity and environment. Kate, a failure as an actress, advises her precocious daughter, "Write your own parts." Fictionally reliving her mother's life, the young would-be novelist tries to understand what went wrong and how she can avoid the same waste of spirit. It is evidence of the genuineness and sweetness of Annie's character that we are moved by her struggle and hope she is right in predicting that she will break with family tradition and be a survivor.

Funny novels are as hard to come by as they are much to be praised. *Heritage* is funny, not just for its one-liners but because Annie's ambitions and goals are hopelessly at odds with the curve balls life is throwing her. Dukore's sense of irony, the imaginativeness of her novel's structure and the genuine interest that she, like her heroine, has in the world around her make *A Novel Called Heritage* a welcome and heartening change from the dreary self-absorption of so many first novels. And after a decade of novels by women detailing the endless struggles of suburban housewives, how terrific to come upon a book whose heroine is so gifted, intense and full of beans! I hope we hear from Annie and her equally gifted creator again soon. □

Unreconstructed Past

FREDERIKA RANDALL

MARTIN'S HUNDRED. *By Ivor Noël Hume. Alfred A. Knopf. 343 pp. $17.95.*

Historical restorations give us a cozy, domestic picture of America's colonial past, as if the past itself were a tidy house—furnished with many hearths and brooms and kettles—that the tourist has been invited to visit. "Make yourself at home," such places say, "but don't stay too long because the next tour's coming through in half an hour." And one never is inclined to stay too long; one soon begins to feel too large and gawky, too irritably modern, for the perpetual neatness of the reconstructed past.

It is interesting, then, to see what one of these settlements looks like before restoration transforms it into an enclave of order. When the archeologists of the Colonial Williamsburg Foundation dug up some bits of pottery and human bones on the grounds of an eighteenth-century plantation in eastern Virginia, they didn't immediately recognize that they had come upon the remains of one of the earliest British settlements on American shores. Founded in 1618, Martin's Hundred was a privately patented plantation owned by investors in the Virginia Company of London during the brief period before Virginia became a crown colony. In 1622, according to contemporary reports, the small settlement was attacked by the Algonquians of the Powhatan Confederacy and destroyed, except for two houses and "a peece of a church." Of the original population of 220, their number already almost halved by disease, seventy-eight were said to have been killed in the attack. Martin's Hundred was never rebuilt, and eventually all traces sank into the lowlands along the James River.

The written record of this short-lived British outpost is sketchy; the physical remains unearthed so far are even more sparse. But Ivor Noël Hume, a British archeologist and director of the Williamsburg research team for many years, as well as the author of several popular books on archeology, has managed to make an entertaining adventure story out of the sleuthing required to identify the bits and pieces of Martin's Hundred and its inhabitants. He tells us how pottery used by the landholding class can be distinguished from that used by servants and gives us the mathematical formula for dating a site by the size of the stem end of a clay tobacco pipe. He traces a few rusty chain links to a coat

Frederika Randall is a freelance writer whose book reviews have appeared in Working Papers *and* The New York Times Book Review.

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of mail and a fragment of blue and white tile to an example of delftware depicted in a seventeenth-century Dutch painting. He ponders the gash in the skull of one of the soggy skeletons and decides, finally, that a blow from a garden spade was the probable cause of death.

There isn't much new in the way of social history in *Martin's Hundred*, but it is satisfying to look over the archeologist's shoulder and see the past in such disarray. An amusing subplot concerns the author's efforts to resist the earnest attempts of the press to persuade him to neaten things up—to put clothes on the skeletons, build fences, foundations and houses to contain these "legendary early Americans" and ensconce them in their proper place in history. Hume's speculative, whimsical approach reminds us that the cavaliers with mail coats and iron helmets who crossed the Atlantic in 1618 to stake out their claims on the swampy, muggy flats of Tidewater, Virginia, had no particular ambition to make American history, being no doubt more concerned with getting a return on their investments. Their indentured servants were certainly even less determined to be part of a great tradition. Martin's Hundred, happily unreconstructed, opens up the past to inspection in a way that handsome restorations rarely do. □

FILMS.

ROBERT HATCH

Not a Love Story

Not a Love Story, a documentary on pornography, was produced by Dorothy Todd Hénaut and directed by Bonnie Sherr Klein, who appears throughout as an interviewer and narrator. Linda Lee Tracey, a former stripper with a sharp mind and a buoyant personality, acts as a guide to the film's underworld. The National Film Board of Canada sponsored the picture, and the Province of Ontario banned it.

That last strikes me as a conspicuously stupid act of censorship. Pornography is a thriving industry and a danger to society, and it merits a broad, informed and sustained public indignation. *Not a Love Story* intends to arouse that response and employs strong means to achieve its goal.

It is plain to see that pornography has

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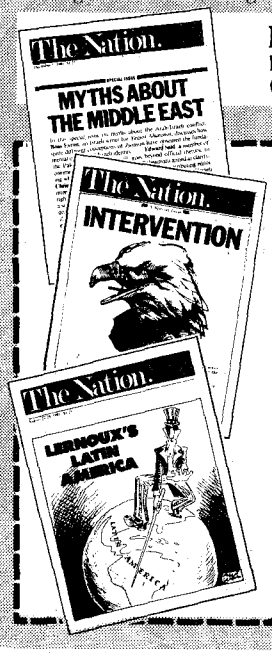

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come out from beneath the counter and from behind the blank door. It dominates magazine racks; side-street theaters flaunt its enticements; basement entrances in the "amusement" areas of every big city boast of live acts being performed below. There are "clubs" that cater to businessmen and sidewalk arcades that solicit solitary males. Pornography today is as blatant as it is distasteful, and most of us pass it by with righteous disdain. *Not a Love Story* won't let us off so easily, and what it shows is much worse than we had imagined.

Why, though, do Hénaut and Klein attack their subject so passionately? Why should it arouse such great public concern? No one, we might assume, is forced to endure the miseries of pornography. The thesis of the film is that we all are.

It is necessary to be clear what is meant here by pornography. It is not eroticism, an aspect of life which is ubiquitous, natural and under no attack in the film. Kate Millett makes that plain early in *Not a Love Story* when she says: "What's disturbing about pornography . . . is that it's so unsexy." It is that because it presents its performers not as people with sexual urges but as genital contrivances. These individuals are entirely without identity; they merely possess organs which they display and manipulate for hire. The client's response to these grotesque acts is completely introverted; for him (the clientele is almost exclusively male), the actors are devices for private pleasure.

The shock of the film comes when Klein takes her camera behind the scenes to show how coldly the bodies are posed, how clinically the "action" is planned. It intensifies when she talks with the participants. Like most workers, they are quite willing to discuss their jobs. One woman says she prefers pornography to prostitution because she is spared any contact with the customers. Another congratulates herself because her partner is in fact her lover and they can work so congenially together. She remarks that they're in demand because he's black and she's white. Marc Stevens, a well-known porn star, complains ruefully that, in private life, he is expected to display the indefatigable virility of his screen performances, which are filmed over a period of days and edited into the space of a few minutes. Suddenly these people assume personalities, and the horror of the illusion sinks in.

Furthermore, though to a degree that can't be measured, the illusion is dangerous. Books and movies that base their appeal on pain and death create the impression that these are acceptable stimuli, that human beings may be presumed expendable for the purpose of entertainment. Pornography creates the parallel impression that women and men can be employed to expose themselves for the viewers' private gratification. The objection is not merely that some patrons of such fare may translate their fantasies into actions. More broadly, it is that we are living in a society where the sanctity of life and the dignity of the individual are losing ground.

In the case of pornography, there is a more specific complaint: it leads to alienation between the sexes. Since its orientation is utterly self-centered and brutish, women are coming to look on men as a separate species against which they must protect themselves. There is one taxing scene in which Robin Morgan, the writer, becomes hysterical as she recounts her struggle against male exploitation. We even encounter a group of men who have banded together to combat their own machismo. That may sound bizarre, but it is far from funny. The growing fear of street violence has a racial component. Now we begin to fear a private violence that has a component of sexism. A free society can hardly survive as a complex of armed camps.

In whatever form, violence is a symptom, not a cause, of social disease. It is therefore not vulnerable to direct attempts at suppression. It must be acknowledged, described and opposed by a broadly based movement. That is the approach of *Not a Love Story* to pornography. Its details are unpleasant; at moments they are sickening. Its makers are alarmed by what they have uncovered and urgent in their call for public response. They are skilled and dedicated journalists. It happens that they are women and feminists, but it would be a sad blunder to assume that they speak for their own sex alone. The industry on which they report debases us all. □

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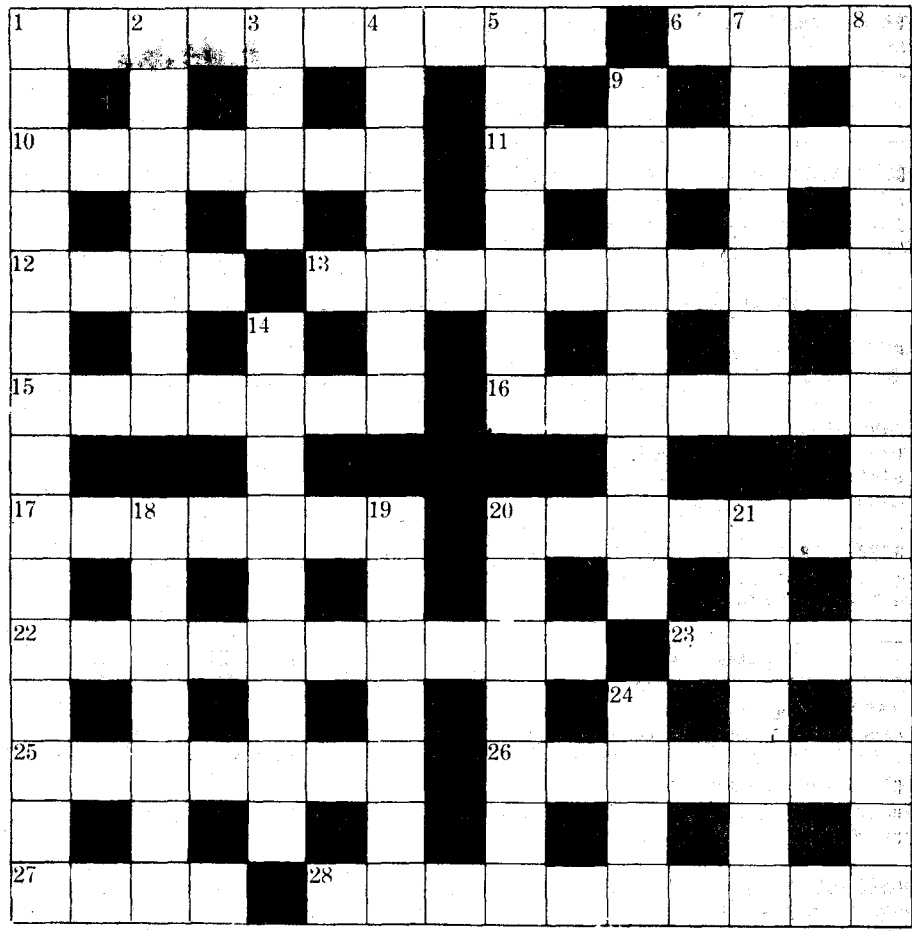

ACROSS

1 Was the Ford foundation after Nixon not well planned? (5-5)
6 Piled on third, as part of the Giant's defense. (4)
10 Was the French marshal a lousy writer, according to the coach? (7)
11 Not romantic with regard to a record. (7)
12 Turn back, if they're in a pinch. (4)
13 Starred in tear-kissed make-up. (10)
15 A Carroll pair took them out for dinner. (7)
16 Is it unusual for Asia to bring back the spirit at heart, just as a retainer. (7)
17 and 23 The exact conception of outraged expression. (3,4,4)
20 Reorganized Monday's power plants? (7)
22 Make a disproportionate representation. (10)
23 See 17
25 The city that started in splendor and ended in dust. (7)
26 Original letter. (7)
27 Throw the sort of pot which is highly absorbent. (4)
28 Showboat? You might need it to put something on. (10)

DOWN

1 Reb, as they might have said, in a bad way—but certainly prepared to be so. (6,2,3,4)
2 Not exactly precise directions some people follow. (7)
3 An American with pull. (4)
4 He was bound to resist temptation. (7)
5 This hand-out is big on a boat. (7)
7 Seal-spear? (7)
8 Red den? (Rather interesting case!) (1,5,2,7)
9 An unorthodox Latin mass with unusual powers, presumably. (9)
14 Invest a sort of rebel with internal affliction. (9)
18 He started music after many years. (7)
19 White rose fancier. (7)
20 A bad color to find in a dog, but some letters require it. (7)
21 Formed a rebel army off the coast of Africa. (7)
24 Discover, but not through the record, perhaps. (4)

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